

The Ramakrishna Mission  
Institute of Culture Library

Presented by  
Dr. Baridharan Mukerji

KMCL-5

19677 R











## General Contents of the First Eight Reports.

1.<sup>st</sup> Report Relates to the Appointment of Sir Elijah Impey to the Office of Judge of the Sudder Dewannee Adaulut — and to the Conduct of the Directors on transmitting the Act of Parliament relative to the Release of the Patna Magistrates to India.

The Second Report with its Supplement Relates entirely to the Affairs of Benares and Cheit Sing

The Governor General's Narrative of the Transactions at Benares which contains among other Things the supposed Proofs of a Rebellion of the Begum's forms N<sup>o</sup> 1. of the Appendix to the Supplement.

The Third Report Relates to the Appointment of J. Macpherson to be a Member of the Supreme Council.

The Fourth Report Relates to the Appointment of Sir Robert Chambers to the Office of President of the Court of Justice at Chinsura. —

The Fifth Report Relates to Disobedience of Orders and Contempt of the Authority of the Directors by Hastings and in particular to the Case of Bristow Resident at Oude, Towke at Benares, and Mahomed Reza Cawn and the Promotion of Military Officers —

The Sixth Report relates to the Administration of the Revenues and Civil and Criminal Justice throughout the Provinces and particularly the Plan of 1773 and the total change introduced in 1781.

The Seventh Report relates to the Misconduct of Mr. Sullivan and Sir William James in transmitting the Judicature Acts to India and in giving Evidence to the Committee. — And

The Eighth Report relates entirely to the Affairs of Tyzoola Cawn





















**F I R S T**  
**R E P O R T**

**FROM THE**

**SELECT COMMITTEE,**

**APPOINTED TO TAKE INTO CONSIDERATION**

**THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF**

***BENGAL, BAHAR, and ORISSA.***

---

**Printed in the Year M.DCC.LXXXII.**

19677  
954.06  
GRE

✓  
✓  
✓  
mg.



# F I R S T

# R E P O R T

## F R O M T H E

## S E L E C T C O M M I T T E E , &c.

The Select Committee, appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the native Inhabitants may be best promoted, observe, That the Select Committee, appointed in the last Session of Parliament, did examine into the State of the Judicature in Bengal, and reported to the House such material Facts as then appeared in Evidence before them: Your Committee, in Conformity to the Orders they have received, and the Powers vested in them by the House, have resumed, without Delay, their Inquiries to the present State and Condition of the same Object.

**I**N the earliest Stage of their Researches, Matter has appeared which, they apprehend, may require the immediate Consideration of Parliament; Your Committee have, therefore, deemed it advisable to make an early Report of that special Matter, without interrupting their Progress in the other Parts of the Inquiry, which they have in Charge from the House.

Five Parties were before the Committee appointed in the last Session; that is to say, the United Company of Merchants of England trading to the East Indies; the Governor General and Council of Bengal; the British Inhabitants resident at Calcutta; sundry Zemindars, and others, Natives of India; and lastly, the Judges of the Supreme Court of Judicature. The Three first appeared by various Petitions and Memorials, which were referred by the House to the Committee; the Fourth Party, the Zemindars, Farmers, and others, who by Petition had applied to the Council General of Bengal for Redress against the Jurisdiction of the Supreme Court, and which Petition was before the Committee; the last Party, namely, the Judges, were before the Committee by Sir Elijah Impey's Letters and other Documents, transmitted to His Majesty's Secretaries of State, and by them laid before the House, and were referred by the House to the said Committee.

In those Letters and Documents, the Judges have given Answers to the several Objections which, as they say, they learn by Report had been made to their Conduct, but which they complain had never been regularly communicated to them; and in these Letters, the Chief Justice, in his Turn, makes various recriminating Charges on the Governor General and Council, the Company's Servants, and others of the British Inhabitants, particularly in regard to the Manner of obtaining and conducting Petitions against them.

Of these Parties, Three only are invested with Parliamentary or other public Powers; the other Two Parties are formed, in general, of Persons more likely to be affected by the Abuses or Neglects of Authority, than to partake in them, or if they should, it is only in a Manner indirect and subordinate, and as they are influenced or supported by those in superior Stations; Your Committee therefore chose to direct their Attention to the Conduct of the principal Parties, as a necessary

ecessary Preliminary to their Enquiry into the Means of regulating or relieving them all, according to the Exigence of their several Cases; and, in particular, to find out how far the Directors, the Governor General and Council of Bengal, and the Judges of the Supreme Court of Judicature, have seriously endeavoured the Redress of those Grievances they severally complained of, by the Exercise of the Powers legally vested in them; how far they co-operated in the Relief given, at their Request, by an Act of the Legislature; and what intermediate Arrangements they have made amongst themselves, concerning the Objects which they had submitted to the Determination of Parliament: Your Committee being fully persuaded, that the sole Hope of establishing good Order in India, must entirely depend upon the Conduct of the several executory Powers acting in prompt Obedience to the Direction of the Legislature, and in a zealous Concurrence with its Intentions.

On these Heads of Enquiry, Your Committee, on the 6th Day of December 1781, ordered the East India Company to lay before them, Extracts of the Letters from the Court of Directors to the Governor General and Council of Bengal, relative to the Release from Imprisonment of the Patna Magistrates, Mir Burcut Ulla and Gullum Mucdum, as also Behader Beg, imprisoned in Calcutta by Judgment of the Supreme Court of Judicature; also a Copy of their Orders, for an Indemnification of those Persons, and the Re-instatement of the Magistrates in their respective Stations at Patna, or other Provision made for them; and Your Committee afterwards examined Mr. Sullivan, Chairman of the Court of Directors of the East India Company, Mr. Wilks, Secretary to the Committee of Secrecy of the said Company, Mr. Francis, late a Member of the Supreme Council, Mr. Shakespeare, late Chief of Dacca, and Major Scott, in the Company's Service, private Secretary to Mr. Hastings, Governor General, and by him appointed an Agent to explain his Conduct in such Parts as should become a Subject of Discussion.

That, in pursuance of the Orders of the 6th of December, Your Committee received the next Day from the India House, a Copy of the Minutes of the Court of Directors, held on Wednesday, the 27th June 1781, as follows:

" The Chairman acquainting the Court, That in the present Stage of the Bill depending in the House of Commons, relative to the Supreme Court of Judicature in Bengal, for indemnifying and relieving certain Persons, and for other Purposes therein mentioned, it is necessary that the Company's Consent should be given, before filling up the Blanks in the said Bill, for the Payment of the Sums proposed to be allowed for indemnifying sundry Persons therein described; and that John Robinson, Edmund Burke, and William Boughton Rouse, Esquires, now desired to know the Court's Sentiments respecting the said Sums; and the Court having considered thereof, it was

" Resolved, That this Court doth consent and agree, if the proposed Bill should pass into a Law, that the Payments therein stipulated to be made, shall respectively be issued, according to their several Specifications in the said Bill, from the Company's Treasury in Bengal; and that Orders be in Consequence given in the next Advices to the Governor General and Council there.

" £ 5000 To Mir Burcut Ulla	} To each of them severally, or their Order, on Demand, in Three Months.
" 5000 To Gullum Mucdum	
" 2000 To Behader Beg	
" 5000 To the Children or Child (if any) of a certain Magistrate called the Cadi or Cauzi	
" Saadi of Patna within Three Months after Arrival of the Act at Calcutta.	
" A Pension or Annuity to the Widow of the said Cauzi Saadi, equal to the Salary of her late Husband, during the Term of her natural Life; also,	
" 1000 To the said Widow if the said Cauzi Saadi shall have died without Issue; and,	
" 1000 To his nearest Male Relation or Relations in the same Degree."	

And also, a Copy of the 16th Paragraph of the Company's General Letter to Bengal, dated 29th August 1781, as follows:

" Two Acts of Parliament having been passed during the last Session, whereby the Company's exclusive Charter has been prolonged for Ten Years, and the Supreme Court of Judicature regulated; We transmit you Copies thereof for your Information and Guidance, and enjoin strict Attention and Obedience thereto."

And Your Committee did also, in pursuance of the said Orders on the 10th Day of December, receive from the Directors of the East India Company, a Paper, intituled, " Draught of Paragraphs, to be sent by the Court of Directors of the East India Company, to the Governor General and Council at Fort William in Bengal, by the next Dispatches." Which Paragraphs are as follow:

" When the late Act respecting the Administration of Justice in Bengal was agitated in the House of Commons, it was intended, amongst other Things, not only to release from Prison and indemnify the native Magistrates and others therein named, but also to make Provision for the future Subsistence of Mir Burcut Ulla and Gullum Mucdum, in their former Condition and Situation:

“ Situation ; and to declare them Mahomedan Counsellors to the Court and Council of Patna, with  
 “ all the Privileges, Profits, and Emoluments thereto belonging ; and also, in Consideration of  
 “ their Losses and long Imprisonment, to pay to each of them severally, or to their Order, out of  
 “ the Company's Treasury, the Sum of Five thousand Pounds, Three Months after Demand :  
 “ And also, to Behader Beg, who had acted under the Authority of the Council of Patna, and been  
 “ imprisoned, the Sum of Two thousand Pounds, in Three Months after Demand, without Pre-  
 “ judice to any Claim or Remedy which he or his Father, or next Heir at Law, might have, in Law  
 “ or Equity, to any Lands or Goods whatever. And in case of the Death of any of the before-  
 “ mentioned Persons, before the Arrival of the Act of Parliament at Calcutta, or before the Money  
 “ become payable, then the above Sums to be paid to the lawful Representatives of the Deceased :  
 “ And likewise the Sum of Five thousand Pounds to the Child or Children of the Magistrate of  
 “ Patna, called the Cadi or Cauzi Saadi, who died as he was under Conveyance to Prison (if any  
 “ Child or Children he had) and to the Widow of the said Cauzi Saadi, during her natural Life,  
 “ a Pension or Annuity equal to the Salary of her late Husband ; and if the said Cauzi Saadi should  
 “ have died without Issue, then a Sum of One thousand Pounds to be also paid to his Widow, and  
 “ One thousand Pounds also to his nearest Male Relation or Relations of the same Degree.

“ As the Company were equally desirous with the Promoters of the Bill, to contribute to the  
 “ Relief of the unhappy Sufferers, to make the Compensations above mentioned, and thereby to  
 “ manifest their Regard for the native Inhabitants of Bengal ; it was upon due Consideration judged  
 “ advisable, and more honourable for the Company, to omit the compulsory Clauses in the Act ;  
 “ and agreed, That Orders should be given by the Court of Directors, in their next Advices to  
 “ the Governor General and Council, for the Money to be issued from their Treasury, and paid  
 “ accordingly.

“ We therefore direct, that within Three Months, to be computed from the Day of the Receipt  
 “ of these our Orders at Fort William, you issue from our Treasury, and cause to be paid to Mir  
 “ Burcut Ulla, or to his Order, the Sum of Five thousand Pounds ; also to Gullum Mucdum, or  
 “ to his Order, the Sum of Five thousand Pounds ; also to Behader Beg, the Sum of Two thou-  
 “ sand Pounds, without Prejudice to any Claim or Remedy which he or his Father, or next Heir  
 “ at Law, may have, in Law or Equity, to any Lands or Goods whatsoever : And if any of the  
 “ Parties shall not be living at the Time of the Arrival of this our Order at Calcutta, or shall die  
 “ before the Money become payable, or is paid, the same shall be paid to his or their lawful Repre-  
 “ sentatives : Also, to the Child or Children (if any there be) of the late Cauzi Saadi of Patna,  
 “ Five thousand Pounds. Also, that you pay, or cause to be paid, to the Widow of the said Cauzi  
 “ Saadi, during her natural Life, a Pension or Annuity, equal to the Salary of her late Husband ;  
 “ also to the said Widow of the said Cauzi, if he shall have died without Issue, the Sum of One  
 “ thousand Pounds ; also in that case, to the nearest Male Relation or Relations of the said Cauzi  
 “ Saadi, the Sum of One thousand Pounds. And it is our Pleasure, that the said Monies be issued  
 “ from our Treasury, and that Payment thereof be made free of all Charge or Expence to the Re-  
 “ ceivers, and within the Time before limited.

“ We have already noticed, that it was intended by the Act to have reinstated Mir Burcut Ulla  
 “ and Gullum Mucdum, and to have declared them Mahomedan Counsellors to the Council of  
 “ Patna, with all the Privileges, Profits, and Emoluments thereto belonging ; it appearing that  
 “ their Error or Misconduct (if any hath been) did not proceed from corrupt Motives ; and the  
 “ Act having directed that they should be forthwith discharged from their Imprisonment, on Secu-  
 “ rity being given for the Damages recovered, which Security you are required to cause to be given  
 “ on their Behalf, and that it shall be competent to appeal to His Majesty in Council against the  
 “ Judgment : We hereby direct, that you take Care to pay due Obedience to the Directions given  
 “ in the said Act ; and also, that Mir Burcut Ulla and Gullum Mucdum, be forthwith restored to  
 “ their respective Offices, as Mahomedan Counsellors to the Council of Patna, with all the Pri-  
 “ vileges, Profits, and Emoluments thereto belonging.”

And it not appearing to Your Committee, upon what Minutes or Proceedings of the Court of  
 Directors the said Paragraphs were founded, they ordered a Copy of the Minutes of the Court of  
 Directors, of the 7th Day of December 1781, to be laid before them ; and in this Place Your Com-  
 mittee beg Leave to observe, that by the Date thereof, it appears the same was not made until the  
 Day after the Orders made by Your Committee as before set forth ; and which Minutes are as  
 follow :

“ At a Court of Directors, held on Friday the 7th December, 1781,

“ A Resolution having passed this Court, on the 27th June last, for paying certain Sums of Mo-  
 “ ney therein mentioned, in case such Part of a Bill as related to those Sums, and at that Time  
 “ depending in Parliament, should pass into a Law ; and it being afterwards thought by the Gen-  
 “ tlemen who promoted the said Bill, to be more advisable to omit the same in the Act, that it might  
 “ be understood in India, that the Payments were made from the mere Bounty of the Company, without any  
 “ Compulsion ; and the same being omitted accordingly, in Confidence that the Company would  
 “ order the said Payments to be made ; and the Chairman having reported to the Court, a Confer-  
 “  
 SEL. COM. REP. I. B ence

“ence between him and some of the Gentlemen who promoted the said Bill, and assured the  
 “Court, that in Consequence of that Conference, the Clauses, compulsory upon the Company for  
 “Payment of the Sums therein specified, would be omitted—It is hereby resolved, that the fol-  
 “lowing Sums of Money be paid from the Company’s Treasury in Bengal, and that Orders be in  
 “Consequence given in the next Advices to the Governor General and Council there; viz.

“ £ 5000 To Mir Bureut Ulla	} To each of them severally, or their Order, on Demand, in Three Months.
“ 5000 To Gullum Mucdum	
“ 2000 To Behader Beg	
“ 5000 To the Children or Child (if any) of a certain Magistrate called the Cadi or Cauzi “ Saadi of Patna, within Three Months after Arrival of the Act at Calcutta. “ A Pension or Annuity to the Widow of the said Cauzi Saadi, equal to the Salary “ of her late Husband, during the Term of her natural Life; also, “ 1000 To the said Widow, if the said Cauzi Saadi shall have died without Issue, and “ 1000 To his nearest Male Relation or Relations in the same Degree.”	

“ At a Court of Directors, held on Wednesday the 12th December 1781,

“ The Chairman acquainted the Court, that in Consequence of some Paragraphs having been  
 “ prepared for Bengal, containing Orders respecting the Indemnification of several Indian Magi-  
 “ strates, agreeably to a Resolution of Court of the 7th Instant, he had given Directions to stop  
 “ the Tryal Packet in Ireland, in order to be able to send the said Orders by that Conveyance; and  
 “ the said Paragraphs being now read, were approved by the Court.”

Then Lawrence Sullivan, Esq; Chairman of the East India Company, attending, according to Order, was called in, and asked, Who were the Gentlemen of the Committee, that met the Chairman of the East India House, upon the Subject of Indemnification to the Mahomedan Lawyers, now in Gaol at Calcutta? he said, If he was to trust to his own Memory, he thinks it was Mr. Robinson, Mr. Boughton Rouse, and General Smith; but he does conceive it to be treacherous in that Instance, because the Secretary had taken down the Name of Mr. Burke instead of General Smith. Being asked, From whom the Secretary took his Information? said, From himself, Chairman of the Court. Being asked, If the Minute of the Court of Directors, of the 27th Day of June 1781, does contain his Opinion of the Sense of that Conference? said, It does.—Then, Edmund Burke, Esq; a Member of Your Committee, was asked, Whether he was present at that Conference? to which he said, No, certainly he was not present at that Conference, or any Conference with the Chairman or Deputy Chairman of the Court of Directors.

Mr. Sullivan being again called in, then, in further Explanation, informed Your Committee as follows:

That he apprehends there must have been Two Conferences; the First, of the 27th of June, where, as well as he recollects, a Desire was expressed on the Part of General Smith, Mr. Robinson, and Mr. Boughton Rouse, that if the several Sums of Money intended by Parliament to be paid to those several Persons, the India Company would give their Consent that the Blanks might be filled up with those Sums—That he did, as Chairman, state the same to the Court, and it had their Assent. He apprehends there was a Second Conference between the same People, when it was suggested, that it would be more to the Honour and Credit of the Company, if instead of Compulsion, they made it an Act of their own Bounty: That he, as Chairman, did promise, that the Court of Directors would give Orders for the Payment of those Sums, and the reinstating the several Persons in their former Honours; and at this Time understood that the Blanks were then filled up, and ready to pass into a Law, but were left out on his pledging himself that those Orders should be carried into Execution by the first Conveyance; and they are now ready to go by the first Conveyance, completely conforming to the Wishes of the Committee—That since the passing of the Act, and his pledging himself those Orders should go, there has not been a single Conveyance to India, except a small Vessel (the Tryal Sloop) intended purposely for Secret Dispatches; but a Letter arriving from Governor Hastings, stating the Probability of the Company having no Investments, it was a Matter of that Moment that the Company thought fit to write a short Letter by that Secret Dispatch, giving their Sentiments upon the Subject; when the Court took the Opportunity of sending in the same Letter, a short Order, with the Act of Parliament, with positive Directions to carry it into Execution: That those Directions went no further than as the Act stated, to deliver those Persons from Prison, (Appendix, No. 1.): That as this was no regular Dispatch, it did not at that Hour occur, to carry into Execution the Remainder of the Orders relative to those People.—But as it has happened the Tryal Sloop is put back to Ireland, an Express has been sent to detain her, that the Court of Directors may carry completely those Orders into Execution; which has accordingly been done, and now only waits the Approbation of the Lords of the Treasury, relative to the Issues

of the Money for the Indemnification.—And being then asked, Whether he recollected when the Second Conference was held? he said, He should apprehend in July, as the First was in June.—Being further asked, What particular Circumstance leads him to believe it was in the Month of July? he said, To the best of his Memory.—Being asked, Whether he took any private Minute of the First Conference held in June? he said, He does not recollect that he did.—Being asked, Whether he took any Minute of the Second Conference in July? he said, He does not recollect that he did.—Being asked, Does your Memory serve you, not having taken a Minute of either Conference, to fix the First to have been in June, and the Second in July? he said, From the Minute of the Court of Directors, it appears that the First Conference was in June, and the other he cannot recollect.—Being further asked, Whether that Minute which helps to assist his Memory with respect to the First Conference, does assist it only with regard to Date, or to other Circumstances attending that Conference? he said, In no other than he can at present recollect, than that the Blanks had been since filled up, and after that were left out of the Act of Parliament, upon the Company's pledging themselves to make these Payments.—Being asked, What was the Date of the Dispatches sent by the Tryal Sloop, he said, The 29th of August, as appears by a Letter upon the Table.—Being asked, Whether, notwithstanding the Dispatch of the 29th of August was not considered as a regular Dispatch, so material a Direction as that which was proposed to be given in Favour of those unfortunate Persons, might not in point of Propriety, and ought not in point of Justice, to have been then transmitted? he said, He believes he has already answered this Question in his Narrative; that it was an Omission, but attended with no Consequence, because the same Vessel may still carry the compleat Dispatch, and no other has been sent from this Country to India since the Passing of the Act of Parliament.—Being further asked, Whether in the Two Conferences which were held in June and July, the Authority of the Treasury (Mr. Robinson, the Secretary of the Treasury, being personally present) was not considered to have been given for the Payment of those Sums of Money? he said, On the Part of the Company the Court of Directors could answer clearly; on the Part of the Treasury, Mr. Robinson was the Person; but at any Rate, the Forms prescribed by Parliament, direct, that the Court of Directors should lay before the Treasury all Orders that they may send out affecting the Revenues of that Country, and therefore, until they had the full Approbation of the Lords of the Treasury, the Court of Directors would not have felt themselves bound to have issued those Orders.—Being further asked, Whether the previous Signification of the Assent of the Treasury, by the Mouth of Mr. Robinson their Secretary, to the issuing those Orders, is not equivalent in point of Authority to any subsequent Approbation of the Treasury? he said, He does not know that Mr. Robinson came forward in any such Way, and if he had, the Court of Directors certainly should have expected, that he would have been very explicit upon that Subject, before they could have dispensed with the Forms prescribed by Parliament, but he does not recollect that any such Proposition was delivered by Mr. Robinson on the Part of the Treasury.—Being asked, Whether the Act with that Regulation had at that Time passed? he said, He presumes so, because he argues upon that Supposition.—Being asked, Whether at the Time the Second Conference described by him took Place, the Act containing the Regulations for the Administration of Justice in India, had passed the House of Commons? he said, As well as he can recollect, the Act had not passed the House of Commons, the Blanks had been filled up.—Being asked, Whether the Condition of the First Minute made upon the First Conference described by him, bound the Company to pay the Money to the suffering Mahomedan Lawyers, in case the Clauses ordering such Compensation, should not be inserted in the Act? he said, The First Conference was, as well as he can recollect, that the Company should assent to fill up the Blanks with the several Sums stipulated to the unfortunate People, upon Condition the Act passed.—Being asked, Whether the Substance of the Second Conference was not the Reverse, and that the Company was to be bound, in case those obligatory Clauses should be omitted?—He said, Yes.—And being asked, Whether there was a Minute of the Court of Directors made on the First Conference? he said, There was a Minute, and a Copy of it lies upon your Table.—Being asked, Whether there was any Minute of the Court, made in Consequence of the Second Conference? he said, No, there was not.—Being asked, Why there was a Minute made in a Case where the Company was not bound, and no Minute made in a Case where the Company was bound? he said, In the First Conference, he went from the Chair to meet the Gentlemen, as he recollects; from thence, he immediately went to the Court, which was sitting, and delivering the Substance, it became an instant Minute: In the next Conference there was no Court, as he recollects; he attended the Gentlemen, and in a Conversation he pledged himself that the Court of Directors would carry those Orders into Execution; that no regular Minute was made, it being generally understood, Mr. Woodhouse, Sir William James, and other Persons, had been conversed with upon the Subject.—Being asked, Whether, having pledged himself for the Court of Directors, he did propose a Minute for that Purpose the First Board Day? he said, He did not.—And being further asked, How many Board Days passed from the Time of his pledging himself for the Court of Directors, to the Time of his making a Minute upon that Subject? he said, He did not state it to the Board until after he had received the Orders of this Committee, and upon that Representation, it was in the Recollection of Gentlemen, and met with a ready Concurrence.—Being asked, For what Reason he declined to propose a Minute to that Effect to the Court of Directors, for whom he had pledged himself, until an Order came down from this Committee, to enquire what the East India Company had done in that Matter? He said, he has already stated, that an Omission was made, and that the Multiplicity of very important Matters that have occupied



occupied his Time, was the Reason of the Omission, and therefore until the Business came regularly before the Court, it had escaped his Attention to it.—Being further asked, Whether the Omission he has stated, was not the Omission of sending the Orders out by the Tryal Sloop? he said, It is the same Omission, because, if he had recollected at the Time, the Completion of the Orders, he must in Consequence have brought forward the Representation to the Court of Directors.—Being asked, How the Business could regularly come before the Court of Directors, if he, who pledged himself for them, did not think proper to lay it before the Court? he said, In the Course of conducting the Company's Business, it is usual to take up every Thing relating to each Settlement, separate, and that is what he calls the regular bringing forward of Business; there had been none in this Season; as soon as there had, this Omission would have been corrected.—And being further asked, Whether he is sure that no Business relating to the Province of Bengal was before the Board during that Period? he said, He does not recollect any Instances, but very probably, in a Variety of Branches something might be brought forward.—Being asked, Whether he is sure that the Business was more regularly before the Board, upon the Principle of Regularity, which he has just now stated, than on any other Day within the Period of Omission? he said, He cannot say that it was.—Being asked, Might he not then have brought it to the Board out of Course? he said, He certainly might, and did bring it on out of Course, because he thought it his Duty not to wait an Hour in bringing forward a Business, where the Committee had made a Requisition.—Being asked, Whether he did not understand that the Committee at the Close of the last Session had made that Requisition? he said, He had already confessed, that he felt himself pledged for the Court of Directors, to carry it into Execution, which they have accordingly done.—Being asked, Whether a Requisition amounting to a Charge of near £.20,000 upon the Company's Revenue, was a Matter of less Importance than any One of those Things which have occupied the Court of Directors upon any Court Day since the Second Conference stated by him? he said, The Objects that have occupied his Attention in particular, and which have taken up his whole Time, are Objects of infinitely more Importance than the Sum stated.—Being asked, Whether he can charge his Memory, that no Sum of smaller Importance was ever an Object of the Board's Attention during that Interval? he said, It is impossible for him to give an Answer to that Question.—The Witness was then asked, Whether during that Period the Directors had in Consideration before them, any Thing relating to the Investments and Revenues of Bengal? he said, Not regularly, but they had an Attention to the Investments, in consequence of a Letter received from the Governor General, which they answered by the Tryal Sloop.—And being asked, Whether or no the Application and Disposal of £.20,000 ought not necessarily to have come before them in any Directions to the Governor General, relative to the Investments and Management of the Revenues in Bengal? he said, Undoubtedly it would, if that Circumstance had occurred at the Time.—Being asked, Whether the Abuses alledged to be in the Proceedings of the Supreme Court of Judicature in Bengal, was not an Object of a Petition of the East India Company to the House of Commons? he answered, Yes.—Being asked, Was not the particular Case of the Patna Magistrates, one of the Objects of Complaint transmitted by the Governor General and Council, upon which that Petition to the House of Commons was founded? he said, Yes.—Being asked, How he accounted for an Omission of Obedience to what he understood to be the Sense of a Committee of the House of Commons, sitting expressly upon a Complaint made by the Company itself, and its principal Servants? he said, He has already repeatedly stated, that if that Omission had not been made, he should not have been wanting in carrying into Execution the Orders of the Committee, as is now done.—Being asked, Whether he did not know the Patna Lawyers had suffered a long and grievous Imprisonment, and had been ruined in their Fortunes, by an Execution levied upon their whole Substance? he said, Yes.—Being asked, Whether he thought that the Sufferings of such Men, being under the Protection of the Company, and acting under their Authority, was not a Matter pressing upon the Court of Directors, both in Policy and Humanity, especially when Parliament had taken up the Company's Sentiments on that Occasion? he said, The Orders that went out by the Tryal Sloop released them from their Imprisonment; and the rest of their Orders respecting their Restoration and Indemnification are now compleated.—Being further asked, Whether there was any Means to provide for their Subsistence, after being discharged by the Act of Parliament, ordered by the Court of Directors? he said, If this Omission had not happened, the whole would have been done as it is now ordered.—Being asked, When did the Court of Directors order the Judicature Act to be transmitted to Bengal? he said, He believes it was the 29th of August last, by the Tryal Sloop.—Being asked, Where is the Tryal Sloop? he said, In Ireland.—And being asked, When the Tryal Sloop sailed from Great Britain? he said, He believes that Vessel did not come to England.—Being asked, What Time did the Tryal Sloop sail from Ireland for India with this Act of Parliament? he said, He does not really recollect, but he believes in all the Month of October.—And being asked, Why, as this was a Business respecting the Lives of Men, and the most pressing Exigencies of Government, in which a Military Force had superseded the Course of Justice, was not a Vessel that might have sailed earlier been dispatched by the Company? he said, He apprehends that no Vessel could have been brought forward so soon as the Tryal Sloop.—Being further asked, Whether no Vessel could be got sooner, to be dispatched for this Purpose, than one in Ireland, and that could not sail from the Passing of the Act to the End of October? he said, He apprehends no Vessel could go so soon, for she had been long ready and detained by contrary Winds.—Being asked, Whether the Tryal is now ready to sail with that

Act? he said, The Tryal returned dismasted; she has been refitted, and they expect that she is nearly ready to return again.—And being asked, Whether in the Interval of the Time of the Second Conference stated by him to this Period, he has sent any Advices over Land to any Part of India? he said, He does not recollect that the Court of Directors have sent any.—And being asked, Whether the Secret Committee of the Court of Directors has sent any Advices over Land since the Conference before mentioned to this Period? he said, He cannot give an Answer to that Question.—Upon which the Witness was asked, Why he could not give an Answer? he said, Because in Time of War, the Court of Directors have thought proper to delegate those Powers to the Chairman and Deputy, in order that inviolable Secrecy may be observed, that in no Hour our Enemies may be enabled to intercept our Messengers, and seize our Advices.—Your Committee thought it necessary to read to Mr. Sullivan, the Powers of the Committee; upon which he gave the following Answer, That there has been One Dispatch.—The Witness was then asked, Why was not the Act of Parliament, and the Company's Orders for indemnifying, sent by that Dispatch? he said, The Court of Directors sent no Letter by that Dispatch, and it went without their Knowledge; and he did not think as one, that it was incumbent to send it by any Conveyance but that of Sea.—Being asked, If he is certain that there was a Second Conference with the Persons he has mentioned? he said, He is no otherwise certain that there must have been a Second Conference, than from the Minute of the 27th of June, which stated a conditional Agreement; and his Memory is positive, that he did meet General Smith, Mr. Robinson, and Mr. Boughton Rouse, when assuredly he did pledge himself, that the Court of Directors would carry into Execution the Indemnification without any Condition.—And being asked, Whether there is any Minute on Record at the East India House, of a Paper without a Date, transmitted by the Court of Directors to this Committee, intituled “A Draft of Paragraphs of a Letter to be sent by that Court to India,” or how or from what Authority did the Court of Directors frame that Paragraph? he said, There is a Minute on Record dated the 7th Instant, upon which that Paragraph is grounded.

John Robinson, Esquire, a Member of the House, attending at the Request of the Committee, was asked, If he was present at a Conference with Mr. Sullivan, the Chairman of the East India Company, on the Subject of indemnifying the Patna Magistrates? said, He was; that he cannot recollect exactly the Time of the Conference, but it was some Time in June, whilst the Bill was depending in the House of Commons; the Gentlemen present were Mr. Smith, Mr. Boughton Rouse, Mr. Sullivan, and Mr. Purling.—And being asked, What was his Inducement to attend that Conference? he said, It was upon a Conversation and at the Request of several Members of the House of Commons; that Lord North concurred in it.—And being asked to relate the Circumstances of that Conference; he said, It was to represent to the Chairman of the Court of Directors, that it was thought a better and more prudent Way to accommodate the Indemnification, and some Recompence for the Sufferings of the Patna Magistrates, through the Court of Directors, than to have it inserted in the Bill then depending in the House; upon talking with the Chairman he adopted the Idea, he retired from the Conference, went into the Court of Directors then sitting, stated, as he informed them, the Conversation; and returned back again in a short Time, telling them that the Court of Directors had adopted the Measure, would make an Order for the Recompence to be paid, and would send out Orders accordingly.—And being further asked, Whether it did seem to him at that Time to be clearly understood, that the same were to be paid without being specified in the Bill, and that the Clause of Specification was to be expunged? He said, It certainly appeared so to him, and was the very Purpose for which they went to have the Conference.—And being further asked, whether he remembers being present at any other Conference on this Subject with the same Gentlemen? he said, He remembers no other Conference in the Presence of the same Gentlemen, on the Subject of Indemnity and Recompence to the Patna Magistrates; but General Smith and he went to the India House to have another Conference with the Chairs, on the Subject of reinstating the Patna Magistrates, but they were disappointed, for they were come to the West End of the Town.

Then Richard Smith, Esquire, a Member of Your Committee, said, That he concurred with Mr. Robinson in his Account of the Conference at the India House, in every particular.

And Charles William Boughton Rouse, Esquire, another Member of Your Committee, also said, That he concurred with Mr. Robinson in his Account of the Conference at the India House.

Richard Smith, Esquire, a Member of Your Committee, was then asked, Whether he was at a Second Conference at the East India House? to which he answered, No! and said, he did not hear of a Second Conference having been held, 'till mentioned by Mr. Sullivan.

Charles William Boughton Rouse, Esquire, another Member of Your Committee, was then asked, Whether he was at a Second Conference at the East India House? he said, He never remembers to have been present at more than One, in Company with General Smith, Mr. Robinson, and Mr. Purling.

John Purling, Esquire, a Member of the House, being present, was then asked, Whether he was present at a Second Conference at the East India House? he said, He was but at One, in Company with General Smith, Mr. Robinson, and Mr. Boughton Rouse, and that previous to the Passing of the Act; that the Proposal to Mr. Sullivan was, that as there was a Difference of Opinion, with respect to the Indemnification to the Patna Lawyers, about inserting the Sums in the Act of Parliament, it was proposed to Mr. Sullivan, that the Court should take upon themselves to make the Indemnification, without it's being inserted in the Bill then depending; Mr. Sullivan retired to consult the Court of Directors upon it; and upon his Return he informed them, that the Court of Directors had consented to make those Payments, if the Bill passed into a Law without their being inserted in the Act.

Then Mr. Samuel Wilks, from the India House, attending according to Order, was called in; and being examined, he said, That there is a Secret Committee of Directors established at the India House; he does not recollect their Names; they are the Two Chairs, with such other Directors as form the Committee of Treasury; besides that Committee, since the Troubles in Europe, there is a Committee of Secrecy appointed for political Purposes, consisting of the Chairman and Deputy Chairman. The first Appointment of that Nature since he has been in the Service of the East India Company, was when Sir George Wombwell was Chairman; it has been continued from Time to Time to the present Hour; that he knows when this Committee of Secrecy send any Dispatches to India, as he acts as Clerk to that Committee.—And being asked, Whether Dispatches have been sent by Land or Sea, by that Committee to India since the 16th of July last? he said, Dispatches have been sent by Land by that Committee since July the 16th.—And being asked, Whether he knows how many, and at what Periods? he said, Before he answers that Question, he begs Leave to represent to the Committee, that he has taken an Oath of Secrecy, that he will not communicate, discover, or make known to any Person whatsoever, directly or indirectly, any of the Proceedings of that Committee.—And being further asked, Whether he took that Oath on his first Admission as Clerk to that Committee? he said, He took that Oath at the House of Sir George Wombwell, when first admitted as Clerk to that Committee: That he conceives the Periods of Dispatch may in some Instances be of such Importance, as to render it a Breach of his Oath to communicate those Periods. And being asked, Whether he does not consider his Answer to the preceeding Question, That Dispatches have been sent since July last, to be a Breach of his Oath? he said, He does not consider that to be a Breach of his Oath, because the Question was general, and does not appear to him to involve in his Answer, a Discovery of the Proceedings of the Secret Committee.—And being asked, Can he, without specifying the Periods of Dispatches, inform the Committee how many Times Dispatches have been sent since the 16th of July? he said, He does not think himself at Liberty to reveal how many Times the Committee of Secrecy have sent Dispatches since the 16th of July, but he has no Objection to mentioning the Date of the First Dispatch since that Period.—And being asked, When that First Dispatch was sent? he said, The Letter was dated the First of August, and finally dispatched the Third of that Month.—And being asked, That as that was the First Dispatch after the Bengal Judicature Act had passed in Parliament, was that Act transmitted by that Dispatch? he said, That Five Copies of the Regulating Act, and Five Copies of the Bengal Judicature Act, were inclosed in that Dispatch; he did not get the Acts from the Printer till the Second; he received Six Copies of each, one he kept for Office Use, and sent the others in that Dispatch; he does not recollect whether the Orders for sending those Acts were given in Committee, or whether from the Chairman alone; if in the Committee, it could not be considered as any Part of their Proceedings, as a Committee of Secrecy; but to the best of his Recollection, it was from the Chairman.—And being asked, Whether the Transmission of the Judicature Act was accompanied with any Orders to the Governor General and Council respecting it? he said, The Committee of Secrecy are not empowered to issue any Orders to the Governor General and Council, except such as respect Political and Military Affairs.—And being further asked, Whether the Subject of the Two Acts described by him, did or did not fall within the Department of the Committee of Secrecy? he said, He humbly conceives it is a Question of Opinion, and if he is permitted to hazard an Opinion, the Committee of Secrecy, as such, had nothing to do with the Two Acts of Parliament; and inclosing them in their Dispatch, proceeded only from a Desire that they should reach India as soon as possible.—And being further asked, Whether any Orders from the Secret Committee or from the Court of Directors did accompany the Transmission of those Acts? the Witness said, That he had before said, that the Secret Committee is not competent to give Orders but upon Political and Military Subjects, and the Court of Directors had no Knowledge of that Dispatch, therefore it was impossible that the Court of Directors could give Orders on the Occasion.—And being further asked, If any Orders whatsoever did attend the Transmission of those Acts, by the Dispatch of the Third of August? he said, The Acts were mentioned in the Advices sent by that Dispatch, but that it is impossible for him to recollect the Terms in which they were mentioned, although the Committee of Secrecy could not consider any Orders on this Subject as falling within their Department; yet, so far as he recollects, the Close of one Paragraph in that Letter, enjoins strict Obedience thereto; he speaks from Memory, and does not pretend to be accurate in the Terms.—And being asked, By what Authority the Oath of Secrecy was administered to him; he said, The Persons who administered the Oath to him were the Chairman and Deputy Chairman of the East India Company.—And being further asked, When new Acts of Parliament relative to the Company's Affairs



papers are transmitted to India, What is the usual Mode of transmitting or communicating them? he said, The Governor General and Council are advised in the General Letter from the Court of Directors.

Your Committee afterwards further examined Mr. Samuel Wilks; who being asked, Whether he transmitted the Five Copies of the Judicature Act from his own Desire to expedite the Transmission of the Bill to Bengal, or by whose Orders? he said, He does not positively recollect whether Orders were given in a Committee to transmit the Acts of Parliament lately passed, or whether by the Chairman alone; but he would not have transmitted those Acts on his own Authority, much less could he have inserted a Paragraph in a Letter, signed by the Chairman and Deputy Chairman, which mentioned those Acts of Parliament.—Being asked, Who gave the Orders to write the Paragraph in the Letter signed by the Chairman and Deputy Chairman? he said, He wrote that Letter by Order of the Chairman and Deputy Chairman; he does not recollect which of them gave the particular Instructions contained in every Paragraph, but to the best of his Recollection, it was the Chairman that said, “Send the Acts of Parliament;” writing the Paragraph was a Matter of Course after receiving the Instructions.—Being asked, Whether this was the First Copy of the Judicature Bill that was sent to India from the India House? he said, He does not know of any Copy having been sent prior to that Dispatch.—Being asked, Whether he sent the Judicature Act of Parliament to India by a Land or Sea Conveyance? he said, The Dispatch which included the Acts of Parliament, was a Sea Conveyance.—Being asked, What was the Name of the Vessel? he said, He humbly conceives it would be a Breach of his Oath to answer that Question.—Being asked, Whether it was by the Tryal Sloop? he said, It was by a different Conveyance.—Being asked, Whether it was before the Dispatches were sent to go by the Tryal Sloop, or after? he said, Before.—Being asked, At what Time did the Ship sail? he said, He believes he ought not to answer that Question, he humbly conceives it would be a Breach of his Oath to answer that Question.—Being asked, Why he thinks it a Breach of his Oath? he said, Because he cannot reveal the Circumstances of that Dispatch, as he conceives, without breaking his Oath.—Being asked, Whether the Vessel that took that Dispatch proceeded with it to the Tryal, or to India? he said, He has no Knowledge of the Vessel that took that Dispatch having proceeded to the Tryal; he humbly conceives that he cannot give a further Explanation to that Question.—And being asked, Whether he conceives any Detriment can arise to the Company or the State, from informing a Committee of the House of Commons of the Name of a Ship, or the Dispatch of a Vessel, which sailed Six Months since with Dispatches for India? he said, Circumstanced as he is, he does conceive, that without Instructions upon the Point in Question, he is not at Liberty to judge or to give an Opinion, whether Detriment might arise to the Company or to the State by such Disclosure.—And being asked, Whether he has applied for any Instructions on the Subject of Disclosure or Non-disclosure, or has had any Discourse upon the Subject with the Chairman or Deputy of the India Company? he said, Before he attended this Committee the First Time, he asked the Chairman whether he was at Liberty to mention the Dispatch of the Third of August, and he agreed in the Propriety of mentioning that Dispatch to the Committee.—Being asked, Whether he has applied for any Instructions upon this Subject since his First Attendance at this Committee, or has had any Conversation with the Chairman or Deputy on the Disclosure or Non-disclosure to this Committee? he said, He does not recollect that he has made any special Application upon that Subject; but it has been more than once an Object of Conversation between the Chairman and Deputy Chairman in his Hearing; and, from what he understands of the Circumstances of the Dispatch of the Third of August, he is at present restricted from communicating more than he has done respecting that Dispatch.—And being asked, By whom he was restricted? he said, Having received no Authority to communicate more than he has done relative to the Dispatch of the Third of August, he does humbly conceive, he should be guilty of a Breach of his Oath, if he did communicate more than he has done relative to that Dispatch.—It being represented to the Witnesses, That he had been asked, Whether in any Conversations he has had with the Chairman or Deputy, or in any Conversation at which he has been present, he has been restricted by any thing said in those Conversations, relative to any Evidence to be given to this Committee? the Witness in Explanation said, He understood himself to be restricted by the Authority of the Chairman and Deputy Chairman of the East India Company, from communicating to this Committee the Secrets of that Committee.—And being asked, Whether the Chairman or Deputy distinguished any particular Things as secret, and what? he said, The Circumstances attending the Dispatch of the Third of August was by them considered as secret.—Being asked, Whether there were any other Points in which he is restricted in his Communication to this Committee? he said, He does not recollect that there were.—And being asked, What Time the Dispatch with the Act was sent by the Tryal Sloop? he said, The Secretary of the Company has the Care of those Dispatches; he does not recollect the Day.—Being asked, Whether it is usual in the Committee of Secrecy to send an Authentication of Acts of Parliament to India? he said, He conceives it is not the Province of that Committee, but of the Court of Directors, notwithstanding the Committee sent Copies of the Act in the First Dispatch after the Act passed.—Being asked, Was any and what Conversation held between him and the Chairman, concerning his Examination before this Committee, previous to the Time of that Examination? he said, He waited upon the Chairman to know if he might mention the Dispatch of the 3d of August; he agreed it was proper, but the Circumstances attending that Dispatch could not be disclosed at present.—Being asked, Whether that is the only Conversation he

has

has had with the Chairman and Deputy upon this Subject? he said, Certainly not; but in all Conversations upon this Subject, he believes, the Chairman and Deputy Chairman did not consider themselves warranted in authorizing him to disclose the Circumstances attending that Dispatch.—And being asked, If they said any thing to that Effect? he said, He cannot recollect the Terms, but he is positive as to the Restriction.—And it being represented to the Witness, that he had said that they permitted him to mention the Dispatch of the 3d of August, he was asked, Whether they drew any particular Line, how far they permitted him to inform the Committee? he said, He was authorized to inform the Committee of that Part of the Dispatch which mentioned the Acts of Parliament.—Being asked, Whether he conceives that by virtue of his Oath he is warranted to disclose particular Parts, and suppress others? he said, He conceives he is warranted to disclose what he is ordered to disclose by the Committee of Secrecy.—Being asked, If the Chairman and Deputy Chairman, or either of them, assigned any Reasons why they gave him Leave to mention the Date of the Dispatch, and not the Time of the Vessels sailing? he said, The Reasons which rendered it improper to mention the Circumstances attending that Dispatch, were perfectly known to him; he does not recollect the Terms used for restricting him from communicating the Circumstances attending that Dispatch, further than he has already mentioned; that he does not recollect he has been restricted in any other Point.—Being asked, Why he selected this Point in Exclusion of every other, as that upon which he apprehended he would be examined by this Committee? he said, He did not ask it in Exclusion of every other Point, because he also asked whether he was at Liberty to communicate the Circumstance of having sent to the King's Ministers those Papers, which he believes came by Mr. Shakespeare, and related to Sir Elijah Impey's Appointment.—And being asked, Why he made that Application relative to those Papers? he said, Because he was desirous of receiving Instructions on those Points which were peculiarly within his Knowledge, if he should be examined thereon by the Committee.—And being asked, Whether if he had been ordered not to give Information relative to these Papers, he should have thought those Orders were a sufficient Authority for him to withhold his Information from this Committee? he said, He believes he should have felt himself exceedingly embarrassed in communicating any thing that he conceives would infringe his Oath, and should have begged the Indulgence of the Committee; he should certainly have had no Objection to have said he had sent those Papers to the King's Ministers.—And being asked, If the Chairman of the East India Company knew of the Transmission of the Judicature Act, by the Dispatch of the 3d of August? he said, He certainly knew it.

Your Committee then examined Philip Francis, Esquire, late of the Council General of Bengal; who being asked, Whether in his Opinion it would add to the Reverence in the Company's Servants towards Acts of Parliament, if Acts specially made for their Regulation, and for the Adjustment of their Differences, be omitted to be sent out to Bengal for several Months after they had passed, and when Messengers are known to have gone upon other Affairs? he said, So great a Neglect of Duty may produce many bad Effects in Bengal, and can produce no good ones.—And being further asked, What is esteemed in Bengal the authentic Notification of an Act of Parliament, to which they are obliged to conform themselves? he said, The usual and regular Mode of communicating such Acts to the different Presidencies, was by the general Letters of the Court of Directors to the respective Presidents and Councils, and it is so still as he apprehends; but he does not know, that if the King's Judges, having Information of such Acts from Government here, were to give Notice thereof from the Bench, it would not be deemed a sufficient Promulgation.—That if such Acts were not transmitted, either to the Governor and Council, or to the Judges, he should very much Doubt, whether the Settlement at large would consider them as Laws duly promulgated for their Obedience.—And being asked, Whether a private unauthorized Transmission of Acts of Parliament, (the usual official Channels being neglected) would or would not give Opportunity for those who disliked the Provisions of them, to form Arrangements for defeating or eluding them? he said: Acts of Parliament not regularly transmitted to India, do not go regularly authenticated; they carry no internal Evidence of their being really Acts of the Legislature, and he should apprehend may be eluded and disobeyed without any Risk, at least a Pretence is given for doing both; that the Omission of sending that Act by the first Opportunity of Transmission to India, has evidently a Tendency to create an Opinion in the Settlement, that the Court of Directors are not much in earnest in supporting the Execution of that Act.

Your Committee next proceeded to consider the Appointment of Sir Elijah Impey, who is the Chief Justice of His Majesty's Supreme Court of Judicature in Calcutta, to the Office of Superintendent or Judge of the Court of Sudder Dewannee Adaulut at Calcutta: And this Appointment being made by the Governor General and Council of Bengal (who are the Servants of the East India Company) and revokeable at their Pleasure, and His Majesty's Chief Justice having accepted this Appointment upon those Terms, Your Committee thought it their indispensable Duty to examine minutely into the Whole of this Transaction.

And Lawrence Sullivan Esquire, Chairman of the Court of Directors of the East India Company, being examined by Your Committee, said, That there has been Advices come from India, concerning an Agreement between the Governor General and the Chief Justice, by the Appointment of the

the latter to an Office under the Company, since the Time of presenting the Company's Petition to the House of Commons, which Advices he supposes did arrive in October.—And being asked, Whether any Directions were given relative to the Subject Matter of them in the Dispatches which were transmitted by the Tryal Sloop, the 29th of August last? he said, That the Directors thought it a Subject of such Moment, as to require the best Opinions they could obtain with respect to that Appointment; that they referred it to their own Counsel Mr. Dunning; and he believes the Attorney and Solicitor General, in order to enable them to write fully and explicitly upon that important Subject.—And being further examined, he said, He received private Letters of an Intention to place Sir Elijah Impey in that Office, previous to that Time, but no public Advices; That he believes he has heard of the Execution of that Intention; that he cannot recollect that he did see Copies of the Minutes, in the Authenticity of which he might depend of the Consultation itself; that Mr. Shakespeare is a covenanted Servant of the Company; that he arrived in England in May or June last; that he attended the Court of Directors.—And being asked, Whether he did, as Chairman of the Court of Directors, make any Inquiries of him relative to the Situation of the great Contest between the Judicature and the political Government of that Country? he said, The Matter most impressed upon his Mind in Conversation with Mr. Shakespeare, was a Letter which he brought from the Governor General, relative to the expected Failure of the Investments; that it is possible, though not then present to his Recollection, that he might speak of more Subjects, but does not remember it made any Part of his Examination before the Court of Directors.—And being further examined, he said, They did not examine him to that Point, because their Knowledge at that Time was very imperfect of that Matter.—And being asked, Whether an imperfect, or no Knowledge was not a Reason for an Inquiry, if the Matter be of Importance? he said, That he does not apprehend the Matter was so far before them, as to press for any Inquiry upon the Subject.

Mr. Sullivan having stated in his Evidence to Your Committee, that the Court of Directors thought the Appointment of Sir Elijah Impey to be Judge of the Sudder Dewannee Adaulut, to be a Subject of such Moment as to require the best Opinions they could obtain with respect to that Appointment, and that they had referred it to their own Counsel, Mr. Dunning, and he believed the Attorney and Solicitor General; and these Opinions having been received by the Company, and laid before Your Committee, the Chairman of Your Committee was directed to confer with the Chairman and Deputy of the East India Company.—The Minutes of which Conference, and the Proceedings of the Court of Directors, of the 15th and 18th January 1782; and also, a Copy of the 84th Paragraph of the Company's General Letter to Bengal, dated the 25th January 1782, on the Subject of the Appointment of Sir Elijah Impey, together with the Case laid before Counsel, and their Opinions thereupon, are inserted in the Appendix, N<sup>o</sup> 2 and 3.

Then Mr. Samuel Wilks, from the East India House, was examined by Your Committee, who said, That he is Examiner of India Correspondence, and has served in that Station from the Year 1769—That he saw Papers, purporting to be Minutes of the Governor General and Council relative to the Appointment of Sir Elijah Impey to be Superintendant of the Sudder Dewannee Adaulut before the 10th of July—That the Papers he saw were, to the best of his Memory and Recollection, indorsed as Minutes or Proceedings of the Governor General and Council, in their Revenue Department, of the 29th of September and 24th of October 1780; and were not, to the best of his Recollection, officially authenticated, but that he had no Doubt of their Authenticity when he first saw them—That he has since compared them, and except a few trivial Differences he found them as entered on Consultation—That he received those Minutes from Lawrence Sullivan, Esquire, but did not receive them from him as Chairman of the India Company—That in consequence of the Receipt of those Minutes, he caused Copies to be made, One of which was sent to the Lord Chancellor, One to John Robinson, Esquire, and One to Sir Stanier Porten, for the Information of Lord North and the Earl of Hillsborough—That they were sent by the Instructions of Mr. Sullivan, but not as Chairman of the East India Company, or as official Papers—That he believes the Papers were brought over from India by Mr. Shakespeare—That he does not recollect that at the Time these Dispatches were brought over by Mr. Shakespeare, that there were any authentic Copies or other Advices on that Subject transmitted to the Court of Directors by the Governor General and Council—That he does not know whether the Directors or any of them, or the Chairman, examined Mr. Shakespeare upon the Subject of those Papers.—And being asked, Whether he thought the Chairman did examine Mr. Shakespeare on this Point? he said, He could not tell what to think about it.—And being further asked, Whether, when the Company's Servants bring Dispatches of Importance to the Company, it is not usual to examine them on the Subject Matter of those Dispatches, and particularly concerning the Authenticity of the Papers they bring? he said, The Court of Directors examined Mr. Shakespeare respecting a Paper which he brought over, but with respect to Dispatches in general, Messengers cannot authenticate them, because they receive them sealed, and very often must be totally ignorant of the Contents. With respect to the Papers in Question, the Witness said, That he knew of no Proceedings had thereon by the Court of Directors.—And being further examined, he said, He never heard from whom Mr. Shakespeare received the Dispatch relative to the Sudder Dewannee Adaulut—That the usual Mode of receiving Dispatches from India to the Court of Directors, is this, If it is not a Court Day, the Officer or Messenger is

sent to the Chairman or Deputy, but that he never knew the Chairman or Deputy open a Pacquet addressed to the Court of Directors, without calling other Directors to witness the Opening of them—That a Pacquet was received the 16th of December at Night (being Sunday) over Land; that he carried it to the Chairman, who dined out, the Deputy happened to dine at the same Place; that they did not think proper to open the Pacquet, but directed him to carry it back, and ordered the Secretary to summon a Court for the next Day—That it was impossible to observe this Rule with regard to the Pacquet brought by Mr. Shakespeare, unless it had been addressed to the Court of Directors, of which he had no Knowledge—That the Note transmitting these Papers to the King's Ministers, stated them as Copies of Papers which Mr. Sullivan had just received by a private Conveyance—That Mr. Shakespeare brought a Paper to the best of his Recollection, addressed to the Directors from Mr. Hastings, said to have been written by Mr. Shakespeare, at the Request of Mr. Hastings—That Mr. Shakespeare was desired to imprint the Substance of it in his Memory, in order to be able to give some Account of the Matter in case of any Accident to the Ship in the Voyage—That the Paper was not signed, but that a Letter to the same Purport has since been sent by the Governor General, to the Court of Directors—That Mr. Shakespeare was not examined to his Knowledge as to the other Paper—That he does not know why Mr. Shakespeare was not interrogated concerning the Authenticity of the Minutes in Question, and from whom he received them—That Proceedings were had by the Court of Directors upon the Paper brought over by Mr. Shakespeare, respecting the Probability of a Diminution taking place in the Bengal Investment; and that he does not know of any Reasons assigned why no Proceedings were had, or Deliberations held upon the Minutes received by the same Channel.

Your Committee being desirous to ascertain on what Day the Appointment of Sir Elijah Impey was first laid before the Court of Directors, find, from the Secretary of the East India Company, that no Paper relative to the Appointment of Sir Elijah Impey to be Judge of the Sudder Dewannee Adaulut, was laid before the Court of Directors, prior to the 24th of October 1781.

Your Committee then examined Extracts of the Proceedings of the Governor General and Council in their Revenue Department, of the 29th of September and the 24th of October, 1780, which contain the Arguments of the several Members of the Board for and against the Appointment proposed by the Governor General; and also, the Extract of the Revenue Letter from Bengal, of the 25th November 1780, together with the Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 28th of March 1780, which contains the Plan for the Regulation of the Dewannee Adauluts; and also, Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 3d of November 1780, with the Governor General's Regulations for the Sudder Dewannee Adaulut, and Mr. Francis's Minute thereupon; all which are inserted in the Appendix N° 3. Upon this Question of Appointment, Your Committee find, that amongst the Council General, very opposite Opinions were entertained of the Propriety or Impropriety of such an Appointment; their Opinions are recorded at large in the Consultations; and in the Proceedings of the 18th of October 1780, the Council General resolve, by the casting Voice of the Governor General, "That the Chief Justice be requested to accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such as the Board shall think proper to add to them, or to substitute in their Stead; and that on his Acceptance of it, he be appointed to it, and styled, The Judge of the Sudder Dewannee Adaulut."

And Your Committee find, that the Secretary having waited on the Chief Justice with the preceding Resolution, laid before the Board a Letter delivered to him by the Chief Justice in answer; which is as follows,

"To the Honourable the Governor General and Council, &c. &c.

"Honourable Sir and Sirs,

"Your Secretary, Mr. Baugh, has this Morning communicated to me your Resolution of the 18th Instant.

"I am sensible of the Honour conferred on me by the Trust you have reposed in me; accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such others as the Board shall think proper to add to them, or to substitute in their Stead, and will with great Readiness dedicate my vacant Time to the Service of the Public.

"I have the Honor to be, &c.

"Fort William,  
"19th October 1780.

"(Signed) E. Impey."

In consequence of this Letter, Your Committee observe, that it was agreed, conformably to the Resolution of the Board, "That the Chief Justice be appointed Judge of the Sudder Dewannee Adaulut."

And



And it was ordered, " That Notice of the Chief Justice's Appointment be sent to the Superintendents of the several Dewannee Adawlut : " And it was agreed, that the Provincial Councils should be advised of this Appointment, by the following circular Letter,

" Gentlemen,

\* The Chief Justice having accepted of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, We have appointed him to it, with the Title of Judge of that Court.

" Fort William,  
" the 26th October, 1780.

" We are, &c."

In the Proceedings of the same Day, Your Committee find the following Recommendation,

" The Governor General recommends, that a Salary of 5000 Sicca Rupees, and 600 Sicca Rupees per Month for the Rent of an Office, may be allowed to the Chief Justice for this Appointment ; and that the Motion do lie for the Consideration of the Board, to be decided on at their next Meeting."

And the Council General agreed, that the Motion should lie accordingly.

Philip Francis, Esquire, late of the Council General of Bengal, being returned to England, Your Committee required his Attendance ; and being examined, he said, That he landed at Calcutta the 19th of October 1774, and came from thence the 3d of December 1780—That he was appointed by Parliament a Member of the Council General of Fort William ; that at the Time he left India, he was Second Member of that Government—That he was present in Council when Mr. Hastings made the Motion to request Sir Elijah Impey, the Chief Justice of the Supreme Court, to accept the Office of Superintendent or Judge of the Court of Sudder Dewannee Adaulut—That Sir Eyre Coote, one of the Council General, was not present ; and it was agreed, at Mr. Hastings's Desire, that the Opinions of the several Members should be taken in Circulation, that is, by sending the Question round for the Members to give their Opinion in Writing—That Mr. Hastings, Mr. Francis, Mr. Wheler, and Sir Eyre Coote, were the Members composing the Council General at that Time—That it is not his Opinion, that the Appointment of Sir Elijah Impey to that Office, would be a Means of conciliating the other Judges to the Authority claimed and exercised by the Governor General and Council—That the Governor General and Council, in his Opinion, are themselves the Court of Appeal from the Provincial Adawluts in the last Resort, and could not delegate their Authority to any Persons whatsoever—That the Provincial Courts of Adawlut were established by the preceding Government before the Act of Parliament of the 13th of George the Third took Place ; their Existence was known to Parliament at the Time the Act passed—That the Power of creating such Courts is not disputed or impaired by any Thing said or enacted in that Act—That he considers this as a negative Confirmation at least, of the Court so established—That he is also of Opinion, that when the Act gave the whole Power of ordering, managing, and governing that Country, to the Governor General and Council, they did virtually convey a Power of forming such Institutions as were indispensably necessary for the good Government thereof, that this is his Opinion, but at the same Time he must declare, that it had been much happier for that Country, if a more clear and decided Power had been given—That the Governor General and Sir Eyre Coote undoubtedly thought themselves possessed by the Act, of a clear unequivocal Power to appoint His Majesty's Chief Justice to superintend Appeals from the Provincial Courts ; their Opinions formed the Resolution of the Board, because, by Law, the Governor General and Council are bound, and concluded by the Opinions of the major Part of the Members present.—And being asked, Whether the Chief Justice acknowledged that Power to be vested in the Council General when he accepted an Office subordinate to their Authority ? he said, He accepted the Office by a formal Letter to the Board ; to which Letter he begged Leave to refer—And the Witness further said, That no Opinion was taken of the Company's Law Officer, of the Legality of the Proceeding, before the Governor General and Council offered this Appointment to the King's Chief Justice ; that it was usual in all important Acts where the Authority of the Supreme Court was affected, to consult the Company's Law Officer, and to take a written Opinion from him—That he does not know why the Governor General did not propose to take the Advocate General's Opinion ; that he did not on his Part propose it, because he had not a Doubt upon his Mind that the Appointment was illegal, and he thought he could prove it—That Sir John Day, the Advocate General, had repeatedly assured him, that the Appointment itself, and more especially the Proposition of annexing a Salary to it, were clearly illegal ; and that if he was called upon officially, he should declare his Opinion to that Effect—That the Puisne Judges made no public Objection to the Appointment of Sir Elijah Impey to the Office of Superintendent of the Sudder Dewannee Adaulut—That the Appointment is expressly said to be personal and exclusive to Sir Elijah Impey alone, that is, to one Man of that Court ; that the Office could not devolve to either of the other Judges by the Terms of the Institution, without a new Appointment—That he thinks the Chief Justice in his Office as Superintendent or Judge of the

the Sudder Dewannee Adaulut, is under the Controul of the Council General, and responsible to them for his Conduct in that Office; and that he allows himself to be so by the Terms of his Acceptance—That if the Board were dissatisfied with his Conduct, they could dismiss him.—And being asked, Whether he believes, that by the Appointment of the Chief Justice to the Superintendency of the Sudder Dewannee Adaulut, it would add to the Authority of the Provincial Dewannee Adauluts? he said, That he could not speak positively to the future Effects which this Office might produce; but he is inclined to think, that it would rather weaken than strengthen the Authority of the Dewannee Adauluts; because it subjects not only all their Judgments to an Appeal, but all their Proceedings whatsoever to the Inspection and Revision of the Judge of the Sudder Dewannee Adaulut.—And being further asked, Whether he thought that the Appointment of the Chief Justice to this Office, would in any Measure interfere with his Duty as Chief Justice? he said, He had stated at large his Reasons for thinking it would, in the Minute which he drew up and recorded, when the Matter was under Consideration; and he begged Leave to refer the Committee to that Minute (See Appendix N<sup>o</sup> 4.) And the Witness further said, That on the Principles constantly maintained by the Judges of the Supreme Court, any Person thinking himself injured, either by the inferior Adauluts or Sudder Adaulut, might have his Remedy in that Court—That it would be in Effect an Appeal from Sir Elijah Impey, Superintendent of the Sudder Dewannee Adaulut, to Sir Elijah Impey, Chief Justice, and the Two Puisne Judges of the Supreme Court; that he has stated a similar Case in the Minute before mentioned, with his Opinion upon it.—And being asked, If the Court of Sudder Dewannee Adaulut did regularly continue it's Sittings and Proceedings after the Establishment of the Supreme Court of Judicature in Bengal? he said, That as well as he recollected, the Governor General and Council sat but Two or Three Times as a Court of Sudder Dewannee Adaulut; that some Doubts arose concerning their Right and Authority to sit as such; but that the Governor General and Council did from that Time continue to receive at the Revenue Board, Appeals from the Decrees of the Provincial Adauluts, and to reverse or confirm the same—That Appeals from the Provincial Courts of Adaulut have not been so numerous, but that the Governor and Council could have attended to the Decision of them in the Court of Sudder Dewannee Adaulut; and that he has already stated in his Minute, That the Administration in Bengal wanted Vigour, not Time, to execute all its Duties—That he thinks, that after the Measure pursued by the Governor General and Council, to restrain the Jurisdiction of the Supreme Court over the Zemindars, Collectors, Farmers, Ryotts, &c. he thinks the Native Inhabitants would necessarily conclude, that all the Points hitherto in Dispute between the Council General and the Supreme Court were given up to the Court; and that it was meant to throw the whole Power of the Government, in that Department, into the Hands of the Court—That the Natives at large could not distinguish between the Chief Justice and the Court; and that he conceives this would be the Impression of the Measure upon their Minds—That as far as his Conversation extended, he never knew an Act of Government give such general Dissatisfaction to the European Inhabitants, as this Appointment—That there had been some Disputes between the Provincial Adauluts and the Provincial Councils; but he did not recollect that they engaged much of the Council General's Time and Attention; and that he is of Opinion, that any Questions of that Kind might have been easily settled by their Authority—That those Courts were established by Authority of the President and Council, whose Powers had been conveyed to the Governor General and Council by Act of Parliament, as he had described it in his former Answer—That Mr. Hastings was President of that Council at the Time of the Institution of those Courts—That the Provincial Courts were appointed by the President and Council—That the Officers in those Provincial Councils, are nominated at present by the Governor General and Council—That the Power that appoints the Provincial Councils, and the Power that appoints also the Provincial Adauluts, and originally established both, is the best adapted, and the only Power that can settle Disputes between them—That the Chief Justice has not, to his Knowledge, in the late Controversies, complained, that he had so little Business in his Court, as left him full Time to attend to a Business which would require a laborious and almost unremitted Application; but, on the contrary, he always understood that he was overloaded with Business, and that he has stated it so in his Minute—That he never heard Mr. Hastings, during those unhappy Controversies, express an Opinion that the Conduct of the Chief Justice towards those Courts in particular, and the Members of them, was prudent, just, and moderate—That he has frequently expressed the highest Disgust and Dissatisfaction of the various Proceedings of the Supreme Court, where Actions have been brought in Consequence of Proceedings or Judgments in the Provincial Councils or Adauluts—That it appears farther, by the Letters from the Governor General and Council to the Court of Directors, written in February and March 1780, that they unanimously deemed it to be the constant Effort and Intention of the Judges of the Supreme Court, to lower and degrade the Government of the Country in the Eyes of the People, by every Means in their Power—That he believes the Committee will find this Opinion expressed in their Letter in Terms not less strong than those he then made Use of from Memory.—And the Witness being asked, What Reasons Mr. Hastings assigned for his Change of Opinion, in appointing a Person whose Conduct he had represented in that Light, in Regard to those Provincial Courts, and that Government to be the Controul of the Courts, and an acting Member under the Authority which he represented to be the Chief Justice's Intention to undermine? he said, That he assigned no Reasons to him, but those which appear on the Face of his Minute; and he further added, that he did not hear that Mr. Hastings assigned to any other Person,

Person, any Reasons for his Change of Opinion concerning the Conduct and Views of the Chief Justice—That he has heard the Chief Justice did represent the Proceedings of Mr. Hastings and the Council General, as being unjust and mischievous to the Interest of the Company, and prejudicial to the Ease and Welfare of the Natives; and he knows that he was not reserved in making Declarations to the same Effect from the Bench. And being asked, What Reasons the Chief Justice assigned for his Change of Opinion of the Governor General and Council, so as to induce him to accept of an Employment under them, and to be held during their Pleasure? he said, He had no Reason to think he had changed his Opinion of them, or of their Proceedings—That Mr. Hastings did not assign any Reasons, that he knew of, for not waiting the Determination of the Court of Directors, and of Parliament, upon the Points submitted to them upon their Representations and Petitions.—And being asked, What was the Cause of the Hazards that the Superiors of the Provincial Dewannee Courts were exposed to, in the Exercise of their Functions, and which caused their Remissness in those Functions? the Witness said, That he does not know that they were remiss; that the Hazards alluded to could only be apprehended from Actions that might be brought against them in the Supreme Court, and which it was said the Court rather inclined to encourage than not—That the Council General never did, to his Knowledge, give an Opinion, that the Power of bringing those Actions was a Thing mischievous to the Public; that he cannot speak positively who Mr. Hastings thought was the Cause of the Disregard that had been shewn to the Authority of the Provincial Courts.—And the Witness being asked, What Reasons Mr. Hastings assigned, why no Man would dare to contest their Right of acting, when their Proceedings were held under the Sanction and immediate Patronage of the First Member of the Supreme Court? he said, The Question was never debated at the Board; and no Reasons therefore were assigned on either Side, but those which appeared in the Minutes. And being further asked, Whether any Man might not dare to question the Authority of those Courts in the Supreme Court, although the Chief Justice presided in the Sudder Dewannee Adaulut Court, or whether the Supreme Court has formally abdicated that Power, since the Chief Justice has accepted his new Office? he said, The Supreme Court have not relinquished any Part of the Power they ever pretended to, and he supposes that they would be as ready as ever to receive Complaints against the Members of the Provincial Adauluts—That he speaks of the Court as such; but how far the Natives might be deterred from having Recourse to that Sort of Remedy, when they saw the Chief Justice at the Head of the Provincial Administration of Justice, can be only Matter of Conjecture—That from what he knows in general of those People, he thinks they would be deterred by this Appointment from seeking Justice in the Supreme Court; and for this plain Reason, they know that by the Appointment of the Chief Justice, he is to revise and correct the Judgments of the inferior Adauluts, and naturally will not go into another Court, where the same Judge presides, to look for Redress.—And the Witness further said, That he believes the Judges of the Supreme Court, or some of them, have often declared an Opinion, That if Men were deterred, by any Authority derived from the Company, from complaining of the Mal-administration of the Provincial Courts and Councils, the End of their Appointment would be defeated, and their Court be of little or no Use—That Mr. Hastings did not assign any Reason, nor is he able to assign any, why the giving a Place, to be held during Pleasure under the Governor General and Council, should be a Means of lessening the Distance between the Board and the Supreme Court, which is asserted in his Minute to have been more than the undefined Powers assumed to each, the Cause of the Want of that accommodating Temper which ought to influence their Intercourse with each other—That Mr. Hastings proposed to the Board the Appointment of a Salary of 5000 Sicca Rupees a Month, and 600 Sicca Rupees a Month for an House, amounting together to near £. 8000 a Year—That the Judges have frequently declared, That the Purpose of their Appointment was to be a Controul to Europeans acting under the Company's Appointment, and to prevent their Extortions and Oppressions—That he should not think that the lessening of the Distance between the Council Board and the Supreme Court, by giving to the chief Member of the latter a lucrative Employment, to be held during the Pleasure of the former, had a Tendency to answer the Purposes of the Institution of the Supreme Court—That it has evidently a Tendency totally to defeat those Purposes; for if you suppose all, or a Majority, of the Judges of the Supreme Court to hold lucrative Offices revocable at the Pleasure of the Governor General and Council, you cannot avoid concluding, that their general Conduct will be guided by the Inclinations of the Governor General and Council; that this in general might be true; but he does not mean to say, that it would be true in the specific Instance of the present Chief Justice and Judges—That a lucrative Office, revocable at Pleasure creates Dependence, and can create nothing else; he does not know by what Means it could increase the Authority of the Court; as far as such Authority may be affected by the Respect and Opinion of the People, it must necessarily be diminished, by the Idea of the Judges being dependent in any Shape on the Governor General and Council—That if the Natives understand the Object and Intention of the Institution of the Supreme Court, he thinks it must lessen their Confidence in that Court, to see One of the Judges of it employed in, and presiding over, those very Courts over which the Supreme Court assumed and exercised a Controul—That the Appointment of a Salary to the Office, had not taken place when he left Bengal, but does not believe it to be owing to the Chief Justice's Rejection of the Proposition—That he never heard that the Chief Justice had expressed his Disapprobation of that Proposition—He is convinced Mr. Hastings would not have moved it in Council without the previous Consent and Approbation of the Chief Justice—That he saw

the Chief Justice after that Proposition had been made in Council, and that he did not express to him any Disapprobation of the Appointment or Salary. And the Witness being asked, What prevented that Salary from being annexed to the Appointment? he said, That Sir Eyre Coote was gone to the Coast, Mr. Wheeler and himself were avowedly against the Proposition; and of course, if the Question had been put, it would have been lost—That the Judges of the Supreme Court did not communicate to the Council General any Letters or Representations that they sent to His Majesty's Ministers. And being asked, What was the State of the Company's Treasury when this Appointment was made? he said, That he thinks it was the Beginning of September that Mr. Hastings opened the Treasury for a Loan at Interest, without Limitation; at that Time every Branch of Public Service was greatly in Arrear, particularly the Army—That at the End of November, if he recollects with Exactness, the Debt or Demand against the Treasury amounted to Ninety-one Lacks Ninety thousand One hundred and Eighty-three Current Rupees (Vide Appendix, N° 5.) and their Distress for Money at that Period was very great—That they had taken the Deposit of Thirty Lacks out of the new Fort, which, at a former Period, they had agreed to reserve against any great or unforeseen Emergency or Distress—That the different Schemes adopted for raising Money, had not succeeded in the Degree they expected—That he does not recollect to have heard of Sir Elijah Impey having offered his Services to attend the Dewannee Court in Quality of an Assessor, not claiming a Voice, but simply to give his Advice (Vide former Report, General Appendix, N° 32.)—That the Opinion of the Judges, including the Chief Justice, was not officially taken—That the Opinion of the Advocate General was not taken; that it was never proposed to take the Judges Opinion—That the Advocate General's Opinion was asked, and much relied upon, in the former Disputes between the Supreme Court and the Council—He does not know that the Provincial Courts of Adaulut have been so perverted in the Execution, as to be the great Engines of Oppression over the miserable Inhabitants of the Provinces of Bengal, Bahar, and Orissa—That he does not know that the Administration of Justice has ever been let to hire to Dewans or Banyans of those Gentlemen whose Duty it was to preside in that Court, or to any other Persons whatsoever—That he never heard it said but of One of the Provincial Adauluts, and of that he never saw Proof; that it never came officially before him—If a Complaint of such an Abuse, accompanied with proper Evidence, had ever been brought before the Governor General and Council, he is certain it would have been followed with the Ruin of the Parties in every Sense—That he does not know if there were any regular Profits annexed to the Administration of Justice, which was in the Power of the Members of the Provincial Councils, or others, to let out to Banyans or Dewans; nor has he ever heard, that the Forms and Terror of Justice have been held forth merely to give Colour and Force to Rapine and Extortion; it is possible wrong Things may have been done, but he never heard of any Proceedings of the Adaulut, which approach to that Sense and Extent—That during the Time that he was in Bengal, he does not know or believe that Oppressions by the Company's Servants have operated in so enormous a Degree, as very seldom to have left the Oppressed the Means to obtain Justice by civil Suits; the poorest Man in that Country, if he could reach Calcutta, or any Agent for him, might present his Petition to any Member of the Council, by whom he believes it would have been examined—That some of the lower Classes of People are oppressed, he does believe to be true, but he also believes it is not by Europeans. The Witness says, He speaks generally, for there may be Instances to the contrary, and some he has heard of; some appear upon the Records: The Case which was said to be of the grossest Nature, which made the greatest Noise, and which was most insisted on by the Judges, was that of Nadara Begum; she was said to have been divested of every Thing; she nevertheless found Means to apply to the Supreme Court, and found Redress there.—And the Witness being asked, By whom then he conceived those Oppressions are committed? said, That he begged Leave to observe, that his Residence was confined to Calcutta, he cannot therefore speak of Transactions in the Districts from his own direct Knowledge; the Information he has had inclines him to believe, that those low Classes of People of whom he spoke, are oppressed by other Natives, immediately in Authority over them—The Salt Contractors in particular did oppress the Molungues in a very barbarous Manner—He has heard too, that the lower Classes of the Weavers are oppressed in many Ways, by the Black People in the Provision of the Company's Investment: Complaints in both Instances were brought before our Government—That he knows the First to be true, and gives Credit to the Second—That he cannot give any positive Information, whether any Reform has been made in those Respects, because it is very difficult to know at Calcutta what the real State of Facts is, at any great Distance—The Molungues are no longer subject to Contractors, and therefore probably are better treated than they used to be; with respect to the Weavers, he can say nothing.—And being asked, Whether the Proceedings of the Supreme Court of Judicature, upon the Matters in Dispute, had not been represented by the Governor General and Council to the Natives and to the Court of Directors, as oppressive and injurious to the Natives of India? he said, That the Governor General and Council made various Representations to the Court of Directors to that Effect, but not to the Natives; the Provincial Councils were directed to inform the Zemindars and other Landholders, that as such they were not subject to the Jurisdiction of the Court, nor bound to submit to their Process—That many Individuals have presented Petitions and other Complaints, either directly or through the Medium of the Provincial Councils, stating their Proceedings as grievous to them, and there was also a Petition from the Zemindars of the Province of Bahar to the same Purpose.—And being asked, Whether the Measure of advising a Disobedience to the Process of a Court of Justice, was



not a strong Measure, and which could not be justified, but upon the Opinion of the Board that a strong Necessity required it? he said, That Necessity undoubtedly did require the Measure; at the same Time, as he acted constantly upon a Conviction, that the Proceedings of the Supreme Court were illegal, he did deem it legal to resist them; this he did at his Peril, in the Terms of the King's Charter—That Mr. Hastings did entirely concur in the Necessity of the Board's Proceedings, and in the Illegality of the Court's Proceedings in the Cossijurah Cause, and there never was a Difference of Opinion between Mr. Hastings and him in that Business—That Mr. Barwell never dissented or disagreed with them in that Business—That the Board certainly considered the Proceedings of the Supreme Court, in the Patna Cause, as oppressive to the Natives, because the Majority of the Board, consisting of Mr. Hastings and Mr. Barwell, were from the First avowedly of Opinion, that the Will in favour of Nadara Begum was a Forgery. As to himself, it is proper he should say, that the first Impression he received of that Cause, was against the Cauzi and Muftes, and even against the Proceedings of the Provincial Council of Patna, because he knew a Fact, which he deemed irregular in the Proceedings, and which they did not thoroughly account for to his Satisfaction. By the Principles of their Institution, the Provincial Council, or the Member that sits at the Head of the Adaulut, should have tried the Facts themselves, and only refer to the Learned in the Mahomedan Law, if a Question of Law arose upon the Facts. Further Inquiry and more exact Information induced him to alter his first Opinion, and in the End, he was satisfied that the Will was a Forgery; but the Question never came, nor could come judicially before him, of course he never acted upon the First Opinion or upon the Second, except that he opposed the bailing of the Parties, at so great a Risque to the Company as £. 40,000; for he understood, that if any one of these Persons had escaped, the Company must have paid the Whole; as Trustee for the Company, he could not undertake that Risque in their Behalf; the Bail was nevertheless granted by the Majority of the Board—That the Cause was defended by the Company's Attorney, and at their Expence—That the Bailing and Defence, and the subsequent Conduct of the Board, must have the Effect to indicate to the Natives, that it was the Opinion of that Board, that the Conduct of the Supreme Court was in that Instance oppressive—That he believes the Imprisonment of the Cauzi and Muftes was a very unpopular Act.—And being asked, Whether if the Proceedings of the Provincial Council at Patna had been irregular, the Provincial Council or the Mahomedan Lawyers, were in the Opinion of the Board most to blame? he said, None of them thought that the Mahomedan Lawyers had been to blame in any Degree; with respect to the Provincial Council, he thinks it was not disputed that they were irregular.—And being further asked, Whether assessing small Damages upon the Members of the Provincial Council, and very large ones upon the Mahomedan Lawyers, was thought by the Natives a proper Proceeding of a Court, instituted for their Protection against British Subjects in Authority? he said, Not possessing the Language, he had but little direct Intercourse with the Natives; but from what he has heard, he believes it to be true, that the Mahomedans in general were highly dissatisfied with the Judgment of the Supreme Court against the Law Officers.—And being further asked, Whether the European Members of the Provincial Council of Patna were not indemnified, and the Mahomedan Law Officers suffered to lie in Prison? he said, There was no Way of releasing the Mahomedans, but by satisfying the Judgment, which none of them thought that the Board was authorized to do, considering the Greatness of the Sum—The Damages awarded against the Members of the Patna Council, he thinks, were paid down by the Company's Attorney on Account of the Parties, who were called upon to repay that Money, and he believes did so—That the Mahomedan Lawyers continued in Prison unquestionably for want of Ability to satisfy the Judgment—That they continued in Gaol when he left Calcutta.—And being asked, What is the Situation of Persons confined in Gaol at Calcutta for a considerable Length of Time, and the probable Effects of such Confinement upon their Health and Lives? he said, It is hardly possible for any human Creature to be placed in a more miserable or dangerous Situation; in the rainy Season it must be particular unhealthy; and he thinks, that for an European to be confined there a Month in that Season, would probably occasion his Death—That he knows of no Europeans confined there lately, except Mr. Naylor and Mr. Swainston—Mr. Naylor, the Company's Attorney, was committed for a Contempt, and to answer Interrogatories; he was at that Time in an indifferant State of Health; his Confinement he believes must have hastened if not occasioned his Death, which happened soon after his Enlargement—Mr. Swainston, a Company's Servant, was committed for a Contempt, and he thinks remained in Gaol about Three Weeks; he was as strong and healthy a young Man as any in the Company's Service; he paid the Witnesses a Visit the Day he came out of Prison, but he was so much altered and reduced by his Confinement, that he did not at first recollect who he was.—And being asked, What is the probable Effect in the Minds of the Natives, when they see a Court, instituted for their Protection, considered by the Government of the Country as an Instrument of their Oppression, will it give them a Reverence for that Court, and for the Authority by which it was instituted? he said, Certainly not; as far as he knows or can judge, the Natives in general did not think the Court a Protection for them.—And being further asked, When the Government of the Country undertakes the Protection of the Natives against that Court, as acting in their Opinion oppressively, and rewards the Person charged with the Oppression, with Offices of further Trust and Power over their Persons and Fortunes, and offers large pecuniary Emoluments which arise from their Labour and Industry, whilst the

Persons

Persons who are stated to have endured the Wrong remain in the Prison described by the Witnesses, unredressed for Years, what Impression will this have upon the Minds of the Natives in favour of English Government in that Country? he said, It cannot but make the deepest Impression in their Minds, to the Disadvantage of the English Government, and of the Character of the Nation.—And being further asked, Whether in any Event the Natives of India suffering oppressive Imprisonment by unjust or erroneous Law Proceedings, can have a speedy Redress in a Court of Appeals, and by the ordinary Forms of Justice in India? he said, An Appeal to England at the best, offers but a distant Remedy, and that attended with great Vexation and Expence; in the Case of Imprisonment until the Event of an Appeal to England shall be known in India, it can produce no Relief or adequate Redress, because the Party imprisoned will in all Probability die in the Interval, or at least lose his Health and Constitution.—And being further asked, Which will tend most to the strengthening of English Government, and the Ease of the Natives, a vigorous Execution of the Laws which exist, and an Enquiry into Corruptions and Peculations, or making new Laws without an effectual Execution of the old ones? he said, Making new Laws avails nothing, as long as you suffer those which actually exist to be violated or evaded—That he thinks the Non-execution of the old Laws in India will be an Encouragement to despise the new.—And being asked, Whether the Judges had sufficient Notice between the Time of the Governor General and Council's transmitting their Complaints to Europe, and his Departure from Bengal, to transmit a full Answer and Justification of their Proceedings, to Government in England? he said, They did not communicate to the Judges their Letters to the Court of Directors, nor did the Judges communicate whatever Letters they might have written to the King's Ministers, but the Grounds of the Differences between them were thoroughly understood on both Sides; the Interval between the Time of the Complaint and his Departure was about Nine or Ten Months—That the Judges never demanded from the Board, Copies of the specific Complaints transmitted against them.—And being asked, Whether the Judges or the Governor General and Council did transmit immediately to the Court of Directors, or the Secretary of State, an Account of the Arrangement they had made with regard to the Sudder Dewannee Adaulut? he said, He knew nothing of what might have been done by the Judges; their first Letter to the Company after the Appointment of Sir Elijah Impey took place, ought to have contained an Account of it, and he took it for granted it did so—That in his Opinion no Inconvenience could have arisen from suspending the Execution of that Arrangement until the Sense of the Company and of Parliament, to whom the State of the Jurisdiction had been submitted, should be known.—Then being asked, What Consequence he thought it would have on British Authority in that Country, if, pending Applications to Parliament for Direction and Indemnity, the Parties undertake the Arrangement on which they petition Parliament, by Compromises amongst themselves? he said, He thinks it must have some bad Effects, and can have no good ones; the People at large, as far as they can be supposed to enter into the Matter, must consider the Event, as alluded to in the Question, as a Compromise, not as the regular Settlement and Decision of a public Question—That from the Period of the Governor General and Council's Petition to Parliament to the Time of the Chief Justice's Appointment to the Sudder Dewannee Adaulut, there was no Concession on either Side, the Court continued to exert their Claims to Jurisdiction, and the Board to deny and resist those Claims—That he never heard of the Proposition for the Appointment of Sir Elijah Impey to that Office, till it was proposed in Council the 29th of September—That he does not recollect, that after the Appointment of the Chief Justice, there was any Act done by the Court involving the Question formerly in Dispute between the Board and the Supreme Court.—And being asked, Whether, supposing the Appointment of Sir Elijah Impey to have been in his Opinion legal, and tending to allay the Differences between the Council General and the Supreme Court, he would have thought himself obliged to reject or defer that Measure, on Account of the Application made by the Board on those Subjects to the Company and to Parliament? he said, He should have thought himself bound to wait the Decision of those Tribunals, to which he had appealed; that he should imagine if Attention had been given to the Subject in England, and no Time unnecessarily wasted, an Answer might have arrived in 12 or 14 Months.—And being further asked, Whether this Measure was considered at the Time as temporary, and to continue only until the Sense of Parliament was known? he said, He received it from the Governor General, as meant by him to be a permanent Establishment; and if he is not mistaken, it is so described in the Governor's Minute.—And being further asked, Whether it was a general Rule of the Board, when a Reference was made on any Subject to Europe, to wait for an Answer without taking any intermediate Step? he said, There could be no such general Rule to bind the Discretion of the Government at all Events; Circumstances might intervene which might make it indispensably necessary for the Government to act, notwithstanding any preceding Reference to the Court of Directors; but in general it was thought right to wait for Orders when a Reference was made.—And being asked, Whether the Consequences of the Dissentions between the Board and the Court were not of a Nature so pressing as to render an immediate Reconciliation highly expedient and very desirable? he said, By no Means at that Point of Time; the great Dispute which had produced overt Acts of Hostility between the Two Bodies, was in fact determined by the superior Force of the Government against the Court, and the Country in general was quiet; it was the Complaint of the Court and the Officers belonging to it, that they ceased to have any Business; and this was said to be a Grievance to those Gentlemen; a more direct, and perhaps a more satisfactory

factory Answer to this Question may be taken from Mr. Hastings's Minute; he himself expressly says, "That the Contests with the Court are at present composed, but we cannot be certain that the Calm will last beyond the actual Vacation."—And being further asked, Whether he understood that it was the Opinion of Sir John Day, the Advocate General, that the Appointment of a Superintendant of the Sudder Dewannee Adaulut was illegal in general, or whether that Opinion was confined to the Appointment of the Chief Justice? he said, The Advocate General's Opinion was stated to him only in Conversation; it arose immediately from the Fact, and was confined to it: But he concludes, that the Advocate General would have thought it equally illegal, if the Appointment had been given to any other of the Judges; he does not recollect that he said any thing with respect to the Legality of the Appointment to any other Person: That he has some Reason to think the Appointment of the Chief Justice was very offensive to the Puisne Judges—Says, he recollects a Clause in the Act of 13th Geo. III. directing the Manner of deciding when there is a Diversity of Opinions among the Members of the Board of the Council General.—And being asked, In what Manner that Clause is understood, and what is the Course of Practice on it at that Board? he said, It is understood by him, and has been more than once declared by him in their Consultations, that no Resolution of that Board is strictly legal, but that which is taken by the Votes of the Members in Council, or the Majority of them: The Committee will remember, that he did state to them, that it is nevertheless not unusual for Resolutions of the Board to be taken in Circulation; by which he means, that Questions are sometimes sent round in Writing, for the Opinions of the Members: It is a great Convenience in the Dispatch of Business, and is never practised but by common Consent, either directly given or supposed: That he thinks that this Practice has a Tendency, where a Difference of Opinion may subsist, to take away, or much impair, the deliberative Capacity of that Council; that he admits it is his Opinion that it is strictly illegal; in the Instance in Question, he should undoubtedly have insisted upon a Meeting of the Board, if he thought either that he could have advanced any Arguments in support of his Opinion more powerful than those which he delivered in Writing, or that any Arguments whatever from Mr. Wheler, or from him, would have affected the final Resolution of the Board; he was then and is now morally certain of the contrary: Sir Eyre Coote, who gave his Opinion last, had several Days to consider the Minutes and Arguments of the other Members.—And being asked, What is the Nature and Course of Business, that he thinks may make it necessary or very expedient, to act otherwise than as the Act directs? he said, The Detail of Business which comes before that Council is endless, and the Questions arising out of it infinite, all which must be determined by a Majority of Votes of the Governor General and other Members of the Council; it would not only be a most distressing Inconvenience to the Members, but in his Opinion physically impossible, to determine all these Questions immediately at the Board: At the Dispatch of the Ships particularly, when the Secretaries are employed in drawing up the General Letters, and other voluminous Papers for the Company, every Member of the Council has as much Business on his Hands as he can possibly do; and it is usual for a Recess of Ten Days or a Fortnight, in which Time there are no Meetings of the Council, yet numberless Questions arise in those Intervals, which must be instantly determined; he will venture to say, that no Men in Public Offices could labour more than they did, and the Climate so much against them—That he has no Idea a Rule could be formed to distinguish the Principles or Cases in which that Mode of Circulation may be prohibited, and those in which it may be permitted; that he thinks it should be left as it stands, and that it can produce no material Inconvenience, as long as the Right of each Member to insist on the Meeting of Council, if he pleases, is admitted—That there was a Board of Trade established at Calcutta, to take Charge of the Company's commercial Affairs, but they acted chiefly under the Instructions transmitted to them by the Court of Directors, through the Governor General and Council.

This Mode of giving Opinion by Circulation, which appears to have been adopted by the Governor General and Council in their Proceedings upon the Appointment of Sir Elijah Impey, induced your Committee to inquire of Mr. Francis, who was not in England when this Subject was before under the Enquiry of your Committee; accordingly Mr. Francis being asked, Whether at the Time the Resolution was taken by the Governor General and Council to resist the Process of the Supreme Court, it was the Result of a Debate at the Board with all its Members present, or whether their several Opinions were taken in Circulation? he said, That every Resolution of the Board, in that Business, as far as he can recollect, was taken in Council, all the Members, viz. the Governor General, Mr. Barwell, Mr. Wheler, and himself, were present; Sir Eyre Coote was at Lucknow, in the Province of Oude.—Being asked, Whether the Board was unanimous? he said, Always; their Unanimity declared to each other in this particular Point, was the Basis of their Proceeding.—And being asked, Whether any Debate or Difference of Opinion did afterwards arise at the Board, upon the Expediency or Legality of that Proceeding? he said, That every Step they took was duly and carefully canvassed at the Board; but he does not recollect that there was the smallest Difference of Opinion at any Time among them.—And being asked, Whether at the Time the Governor General and Council ordered their Attorney to withdraw their Appearance, in the Action commenced against them in the Supreme Court, at the Suit of Coffinaut Baboo, and to disclaim the Authority of the Court against the Corporate Acts of the Governor General and Council, Mr. Barwell did not dissent from that Resolution? he said, Mr. Barwell left Calcutta Ten Days or a Fortnight before their Declaration was made in open Court; whether Mr. Barwell was apprized of their Intention to make such a Declaration, or not, he cannot positively say, but he knows with Certainty, that Mr. Barwell never did object in Council to any of

the Measures resolved on by the Governor General, Mr. Wheeler, and himself; the Chief Justice, in Reply to their Declaration, did declare publicly from the Bench, that Mr. Barwell had told him, in private, he was convinced of the Illegality of their resisting the Process of the Court; and that he should not authorize the Company's Attorney or Advocate to withdraw his Appearance, into which he had entered jointly with the other Members of the Council: The Chief Justice added, that he himself was left Trustee for Mr. Barwell and his Children, and of course he ought to have known of the Intention of withdrawing their Appearance, if such a Step was intended, either by Mr. Barwell himself, or his Trustee. This Declaration made a very great Noise in Calcutta, and was supposed to affect Mr. Barwell's Reputation so deeply, that he had heard that some of his particular Friends took Pains to deny the Truth of it.—The Chief Justice, on the same Occasion, made some Declarations respecting a private Negotiation between Mr. Hastings and himself, regarding the Cossijurah Business; of which the Witness said, he had never heard one Syllable before, but of which he conceived he ought to have been informed; since, though they differed in many other Points, they had agreed to unite, and that *bonâ fide* together, in this particular Business. He immediately went to Mr. Hastings at his Country House, and stated to him the Declarations of the Chief Justice, as they had been reported to him; telling him, that he considered the Facts, if they were Facts, as incompatible with the Spirit and Meaning of their Agreement to act together on that particular Occasion.—That Mr. Hastings gave him Explanations with respect to that Part of the Chief Justice's Discourse, which related to him; by which he was thoroughly satisfied he had not acted, nor meant to act unfairly towards Mr. Wheeler and himself, though he thought, and still thinks, that he acted imprudently in having any Conversation with the Chief Justice, without their Knowledge; he also made him such Excuses as occurred to him for the Conduct imputed by Sir Elijah Impey to Mr. Barwell.—That the Declaration of the Chief Justice from the Bench, was made about the Middle of March 1780, and his Appointment to the Sudder Adaulut, was recommended by Mr. Hastings about the End of September.—That he knows nothing of any Reconciliation between them.

And Mr. Francis being afterwards further examined, said, That he landed at Dover the 19th of October last.—And being asked, How soon he saw the Chairman of the East India Company after his Arrival in London? he said, That on Saturday the 20th of October, he gave Notice to the Court of Directors of his Arrival; he went to Mr. Sullivan, the Chairman's House the same Day, and on the Monday he went to the Deputy Chairman, but he saw neither of them. Hearing nothing from the India House, or any Person belonging to it, except that the Secretary acknowledged the Receipt of his Letter, he went again to the Chairman's House on the 12th of November, and left a Message for him in Writing, requesting to see him; in consequence of which he was so polite as to come to his House next Morning; after that he wrote to him, and upon his laying his Letter before the Court of Directors, he was informed by the Secretary, that the Directors had requested the Chairman and Deputy Chairman, to receive from him any Information he might have to offer on the State of the Company's Affairs, (Vide Appendix, No. 6.) Accordingly, he went to the East India House, by Appointment, on the 19th of November, and delivered those Gentlemen a Paper of the Heads of that Information which he meant to give them, and gave them Explanations as he went on: And the Witness begged to be permitted to lay a Copy of that Letter before the Committee (Vide Appendix, No. 7.)—And being asked, What Enquiry was made of him by the Court of Directors, concerning the State of the Controversy between the Governor General and Council and the Supreme Court of Judicature when he left Bengal? he said, He had never been introduced to the Court of Directors, nor called upon in any Shape by them.—When he saw the Chairman and Deputy, they asked him no Question whatever upon this Subject, nor, as well as he can recollect, upon any other.—That the Chairman and Deputy Chairman assigned no Reasons why no Questions were asked of him upon this, or upon any other Subject; nor can he conceive what their Reason could be, unless they were apprehensive his Answers might bring forward Information, which they did not wish to see brought forward; and the Witness added, But this is mere Conjecture.—And being further asked, Whether a Letter which appeared in the Public News-papers, dated Calcutta, 12th October 1780, signed Philp Francis, (Vide Appendix N° 8) is a just Copy of any Letter written by him to the Court of Directors? he said, It is his Letter.—And it being stated to the Witness, That as he had stated in his Letter to the Court of Directors, that they had suffered the Company's fundamental Principles of Policy to be overset, their Instructions and Orders, in various Instances, to be disobeyed with Impunity; that they had condemned the Governor General, and another Member of the Council, in the strongest Terms; and charging also the Directors with various other Neglects of Duty, Violations of Promise, and other Matter of a criminal and serious Nature; he was asked, Whether he knew or believed that the Court of Directors ever received that Letter? he said, The Chairman told him they had.—That the Chairman did not call upon him to support those Charges by Evidence, or to disclaim them as groundless and injurious to the Honour of the Court of Directors; but he, the Witness, told him, he was ready and able to make them good.—That the Chairman mentioned the Letter to him, as the true and only Cause that he was not received by the Court of Directors, with those public Marks of Civility and Approbation to which he was otherwise intitled.—That he did not tell him any Inquiry would be instituted into the Subject Matter of that Letter, but rather intimated to him, that the Court of Directors had no Intention to take any Notice of it whatever.—That he adheres to the Sense and Terms of that Letter in every particular, and believes he can establish the Truth of his Assertions by sufficient Evidence.—



That the Orders of the Company were not supported and enforced by the Court of Directors whilst he was in Bengal—That he thinks the Acts of Parliament relative to the Regulation of the East India Company in general, are not strictly regarded.—And being asked, What he held to be the principal Cause of it? he said, Men who have violated Orders, and who, as he thinks, have disregarded Acts of Parliament, have been censured, but not punished, and instead of being removed from their Stations, have been continued in them, by new Appointments—That the Conversation wherein the Chairman intimated to him that the Court of Directors did not intend to take any Notice of his Letter of the 12th of October 1780, passed at his House on the 13th of November last.—And being asked, Why, instead of the Proposition for a Salary to be annexed to the Appointment of the Chief Justice, as Superintendent of the Sudder Dewannee Adaulut, being postponed, it was not then negatived? he said, The Governor General put no Question upon his own Proposition, it would have been irregular, and disrespectful to him for any other Member to have forced a Question upon it; it would have been also useless, because he, the Witness, was determined to leave Bengal immediately, and had made a public Declaration of his Intention to do so; of course, the Governor General being left with Mr. Wheler only, could have reversed the Resolution of the preceding Board, whenever he thought proper, by his casting Voice; if on the contrary he had been determined to remain in India, he should have taken an early Opportunity of moving for reversing the Appointment itself.—And being asked, Whether it would not have appeared a stronger Measure to the Court of Directors for the Governor General to reverse a Resolution not to agree to a Salary, and afterwards to carry the Appointment, when one Member of the Council had quitted his Seat, than to decide it by his casting Voice? he said, He could not tell how it would have appeared to the Court of Directors, because they had Instances before them of the same Nature, and full as strong, of which they did not take any serious or effectual Notice—That he remembers an Application made to the Judges soon after the Establishment of the Governor General and Council in Bengal, to ask how far they would allow Validity to the Proceedings of the Sudder Dewannee Adaulut, according to the Rules of its Institution before the Establishment of the Supreme Court of Judicature; and as well as he can recollect at so great a Distance of Time (being in July 1775) the Answer from the Judges was not deemed satisfactory by a Majority of the Board; their Answers to the Two First Questions seemed sufficiently direct; by the Third, which may be deemed the most material of the Three, they left them as much in Doubt as ever, as will appear by a Reference to their Letter (Vide Appendix N° 9.)—That he believes the legal Authority of the Provincial Dewannee Adauluts had at that Time in many Instances been called in Question by the Supreme Court.—The Witness then informed Your Committee, That he had received a private Letter from Calcutta, dated 6th January 1781, by which he is informed, that the Salary and Allowances recommended for the Chief Justice as Superintendent of the Sudder Dewannee Adaulut, of 5600 Sicca Rupees a Month, had been voted, and that an additional Allowance of 4,200 Sicca Rupees a Month, had also been voted for Office Charges.—And being asked, Whether he thinks the Correspondent who has sent him this Intelligence, is a Person well informed, and not likely to take up Reports from light Grounds? he said, He gives implicit Credit to the Letter; that it is from a Person on whose Veracity and Judgment he depends, is totally unconcerned in the Question, and he believes him well informed.

Then John Shakespeare, Esquire, late Chief of the Provincial Council at Dacca, being examined, said, That he served in India about 14 Years, in the Civil Service of the Company, and was from January 1778 to December 1780, Chief of the Provincial Council at Dacca—That he left India in December 1780—That he was at Calcutta, on his Way to Europe, at the Time Sir Elijah Impey was appointed Superintendent of the Sudder Dewannee Adaulut—that at the Time of the Appointment, he believes there was not an open Rupture between the Board and the Supreme Court—That there had certainly been such a Rupture before that Time—That he believes a personal Reconciliation had taken Place between the Chief Justice and the Governor General; it was generally understood so—that he knows of no Accommodation between the Board and the Supreme Court—that he cannot charge his Memory exactly with the Time it was understood the Accommodation between the Governor General and the Chief Justice had taken Place, as he was not then at Calcutta, but he fancies it must have been in June 1780—That the Accommodation did not appear by any public Act or Declaration of either Party; it was only generally reported, that they again visited, and were upon friendly Terms, which he believes they had not done for some Time. And being asked, Whether it was understood that this Accommodation extended to any Concession on either Side, of any Points which had been in Dispute between the Board and the Court? he said, That he never heard of any Concession on either Side—That he does not know of any Act of the Supreme Court subsequent to June 1780, by which it appeared that the Chief Justice had or had not conceded in any such Points—That he does not remember any Instance of Actions brought in the Supreme Court against the Members or Officers of the Provincial Courts and Adauluts, or against any Zemindars, Collectors, or Farmers, subsequent to June 1780, in the Province in which he presided; nor does he recollect to have heard of such Instances in any other of the Provinces. And being asked, Whether it was generally understood in the Districts, after June 1780, that the Authority of the Provincial Councils and other Servants of the Government, which had formerly been contested and denied by the Supreme Court, would be held in future more valid than it had been? he said, He believed that the Council

cil at Dacca, and the Officers acting under that Council, conducted their Business with more Confidence, and less Apprehension after that Period? And being further asked, Whether the Appointment of Sir Elijah Impey was considered as a Consequence of personal Reconciliation between Mr. Hastings and Sir Elijah Impey, and as an Act of private Favour from the former to the latter, or as a Measure intended to produce an Accommodation of their public Disputes? he said, If the Reconciliation had not taken Place, it is his Opinion that the Appointment would not have taken Place; but he believes Mr. Hastings to have been swayed principally in the Appointment, by the Motives expressed in his Minute on that Occasion, which he has seen; but he believes it was generally understood out of Doors, to be a Matter of Favour to Sir Elijah Impey—That he apprehends, that Appointment must tend to accommodate the public Disputes between the Board and Sir Elijah Impey, as Chief Justice of the Court; but he was a very short Time in India after the Appointment took Place—That he really does not know whether the Appointment was understood to have conciliated the other Judges, and should doubt much, in his own Opinion, if it would have such a Tendency—That he never heard of any similar Means of Conciliation being attempted with the other Judges—That he never heard of any personal Differences between the Members of the Board and the other Judges; and that he believes they continued visiting as usual—That he never heard that the Puisne Judges either acquiesced or objected to the Appointment of Sir Elijah Impey. And being asked, Whether the Appointment of the Company's Law Officer, or of any of the principal Servants, to that Office, would have been effectual, or not, for the Discharge of the Duties of the Office accepted by the Chief Justice? he said, It certainly requires great Experience and a perfect Knowledge of the Country Languages; and he humbly conceives, that the Duties of this Office can be better discharged by a Number of Men, than by any Individual—That it is an Office of such Magnitude as to require the whole Time and Attention of the Person presiding in it.—And being further asked, Whether it was his Opinion, that a Knowledge and Practice in the Laws of England would particularly qualify for that Office? he said, He should apprehend that the Knowledge of the technical and practical Part of the Laws of England would be of little or no Use—That he does not believe the Appointment of the Chief Justice would add to or diminish the Authority of the Provincial Adauluts. And being asked, Whether the Appointment, in his Opinion, would interfere with the Duties of Chief Justice in the Supreme Court? he said, He had already stated, that he humbly apprehended the Office of Superintendent of the Sudder Dewannee Adaulut would require the whole Attention of the Person presiding over it—That he has heard the Chief Justice speak both the Persian and Moors Language with some Degree of Fluency—That he apprehends, by the Constitution of both Courts, both before and since the Appointment of the Chief Justice, no Person who thinks himself injured by the Decision of the Sudder Dewannee Adaulut, can have Recourse to the Supreme Court—That he does not believe any Claim of Jurisdiction by the Judges over the Members of that Court, was ever brought in Question, between the Supreme Court and the Members of the Board, sitting as Members of the Sudder Adaulut. And being asked, Whether he supposes the Appeals so numerous, that the Governor General and Council could not have attended to the Decision of them in the Court of Sudder Adaulut? he says, That he cannot speak as to the other Divisions of Bengal; but he does not apprehend there were Ten Appeals in any one Year, from the Division of Dacca where he presided, which is generally allowed to be the most litigious Province—That merely as a Court of Appeal, he should apprehend the Supreme Council might go through the Business; but, if there is to be an original Jurisdiction in the Sudder Adaulut, he conceives a separate Appointment necessary. And being asked, After the Measures pursued by the Governor General and Council, to restrain the Jurisdiction of the Supreme Court over the Zemindars, and other Classes of Natives, What in his Opinion would be the Effect of this Appointment on the Minds of the native Inhabitants? he said, He rather supposes they would consider the Chief Justice's Acceptance of the Appointment under the Governor General and Council, which must be noticed to them by Precepts from the Governor General, rather as a Degradation of the Court—That this Appointment was a very unpopular Act, and generally disliked by the European Inhabitants of Calcutta—That the Council General was certainly better adapted to settle Disputes between the Provincial Councils and the Provincial Adauluts, than the Sudder Adaulut under its present Establishment, admitting they had sufficient Time to go through the Business. And being asked, If the Business of the Chief Justice in the Supreme Court seemed to him to admit of much Leisure for the additional Business of another Office? he said, He was possibly at Leisure during the Vacations, as the Business of the Court during the Vacations was transacted by the Puisne Judges—That he believes the Chief Justice did not assign any Reason for accepting an Employment under the Governor General and Council, against whom he had preferred Complaints; but simply acquiesced in the Request of the Board to take upon him that Office—That he supposes the Inducement of Sir Elijah Impey, to accept of that Office, was an Extension of Power and Influence—That he apprehends it is intended to give a Jurisdiction to the Court of Sudder Dewannee Adaulut, as well in the First Instance as in all Cases of Appeal; and believes the Jurisdiction extends to all Persons and Causes relative to the Natives. And being asked, Whether there was not a Complaint, that the Supreme Court had been unfavourable to the Zemindars and other Natives, Officers of Justice as well as others? he said, In general they were much dissatisfied with the Proceedings of the Supreme Court—That Sir Elijah Impey was certainly a considerable acting Person, and of Weight and Authority in that Court. And being asked, Whether he believes, from his Knowledge of the Country and Mode of transacting Business there, that this Proposition was previously known to the Chief Justice before it was moved at the Board? he said, It was publicly talked of several Days before it was moved at the Board; and he apprehends there must have been a previous Communication.

Communication. And being asked, Whether this Appointment would have the Effect of deterring or preventing any Man from contesting the Right of acting in the Country Courts, when their Proceedings should be held under the Sanction and Patronage of the Chief Justice? he said, He thought no Person would be apprehensive of acting in the Provincial Adauluts under such Sanction and Patronage; nor does he conceive any Native would in this Case dispute the Powers of the Provincial Adauluts. And being further asked, If he conceived, that because the Chief Justice has accepted the Office of Superintendent, that the Puisne Judges have given up any of their Claims of Jurisdiction? he said, He only speaks of the Effect that the Appointment would probably have, not of any formal Renunciation of their Claims—That he believes it was a Principle invariably maintained by the Supreme Court, that every Person acting under the Authority or the Appointment of the Governor General and Council, either Native or European, was thereby rendered amenable to the Jurisdiction of the Supreme Court—That he never heard, that when the Chief Justice accepted this Appointment, any Exemption was admitted by the other Judges in Favour of him, or any other Officers of the Sudder Dewannee Adaulut—That each Judge has constantly exercised the Power of receiving Affidavits to the Jurisdiction of the Court, and issuing Process thereupon. And being asked, Whether it is his Opinion, that either of the Judges might receive Complaints, and issue Process against any Officer of the Sudder Dewannee Adaulut, in the same Degree as they used to do or might have done, before the Appointment of the Chief Justice to act as Judge in that Court? he said, He does not see how they could refuse to act upon Application being made to them—That he does not know if this Appointment was approved of by the other Judges, or if it was agreeable to them—That he never heard of Sir Elijah Impey having ever offered his Services to attend the Dewannee Court, in Quality of Assessor, not claiming a Voice, but simply to give Advice—That he never heard of Mr. Hastings having, during the Disputes with the Court, expressed an Opinion respecting the Justice or Moderation of the Chief Justice's Conduct towards the Country Courts, or the Members of them.—And being asked, If the Conduct of the Chief Justice in those Respects appeared to him just or moderate, or whether it was generally esteemed so? he said, If they had, he should not have subscribed to the Petition which had been presented to the House of Commons.—And being further asked, Whether he has heard that the Chief Justice had represented the Proceedings of Mr. Hastings and the Council General as unjust or mischievous to the Interest of the Country, or prejudicial to the Ease and Welfare of the Natives? he said, He does not recollect any particular Instances; but he has always understood that each have preferred Complaints against the other.—And being asked, Whether from the Time of the Separation of the Provincial Councils from the Provincial Dewannee Adauluts, he knows of any dangerous Competitions between those Two Authorities? he said, In Dacca none; but there have been violent Contentions between the Provincial Council at Patna, and the Superintendent of that Provincial Adaulut; mutual Accusations had been preferred; and when he left India, all Parties were attending at Calcutta, that their Disputes might be adjusted by the Governor General and Council—That the Contention was principally about the Extent of their Jurisdictions, and on Matters of Complaint by the Superintendent against some Members of the Council, for Mal-administration—That the Natives complained in many Instances, of the Officers of the Supreme Court, through the Dacca Board, to the Supreme Council, as will appear by the Records—That the Provincial Courts, particularly at Dacca, acted with more Confidence and less Apprehension after June 1780, from an Idea that the Powers of the Supreme Court would not be exercised against them whilst acting in their several Stations; that there was no public Declaration to that Effect, from the Supreme Court, that he knows of; he speaks of the Operation that the Reconciliation had upon his Mind.—And being asked, Who or what was the Cause of the Hazards that the Superior of the Provincial Dewannee Adauluts, or Councils, were alleged to be exposed to in the Exercise of their Functions? he said, They apprehended personal Actions in the Supreme Court, and he himself was threatened with one by Lawyers of that Court for doing his Duty as Superintendent of the Court of Dewannee Adaulut at Dacca.—And being further asked, Whether the Supreme Court countenanced those Actions? he said, It appears that they admitted them, and the Committee are already in Possession of Mr. Justice Hyde's Letter to Captain Cowe, respecting the Dacca Dispute, where Mr. Peat, the Attorney, shot the Brother of the Fouzdar—That Mr. Hastings attributed the Disregard that had been shewn to the Authority of the Provincial Courts, to the Interference of the Supreme Court and its Dependents—After the Reconciliation had taken place, there was no Measure taken with Regard to the Mahomedan Lawyers confined in the Gaol of Calcutta, that he knows of; nor does he know of any Thing done towards an Indemnity to Mr. Swainston, for the Imprisonment he had suffered.—And being asked, Whether it was supposed that Mr. Naylor's Death was occasioned or accelerated by his Imprisonment? he said, He visited Mr. Naylor when he was in Prison; he was then complaining, and had been ill some Time, of a Dysentery, but he does not think his Confinement either occasioned or accelerated his Death; though his Situation was certainly uncomfortable, if not unwholesome—That Mr. Naylor was confined in a Tent, pitched within the Fore Walls of the Prison Yard; that the Heat was intense, and the Place altogether very disagreeable; that his Wife died some Time before him, whilst he was in Prison, and he left One Child—That he never heard of any Compensation being made to the Orphan Child of Mr. Naylor, upon the Reconciliation between Sir Elijah Impey and the Governor General, for the Sufferings of the Father by Imprisonment by the Supreme Court; and that the Imprisonment of Mr. Naylor was deemed a hard Measure in that Country.

Major John Scott being examined, said That he served in India Fifteen Years—That he is now a Major in the Company's Service on the Bengal Establishment—For the last Two Years he was Aid du Camp to the Governor General, and officiated as one of his private Secretaries, except the last Three Months, when he commanded a Battalion of Sepoys in the Garrison of Chunargur—That he left Calcutta the 9th of January 1781, and Madras the 18th of February following; that he arrived at London the 18th of December—That the Appointment of Sir Elijah Impey to the Office of Superintendent of the Sudder Dewannee Adaulut, had taken place before he left Calcutta, but whether the official Arrangements were compleated or not, he is not certain—That he believes Sir Elijah Impey had not then entered upon the Duties of his Office—That there was no Salary annexed to the Office before he left India, to his Knowledge; but he did hear in the Course of Conversation, that the Expences of the Office would be to the Company about 5000 Rupees a Month—That he heard of this Appointment as he was coming down from Chunargur and at Calcutta—That he did receive Letters from Bengal while he was at Madras; they did not inform him of any Salary being annexed to the Office—He had a very long Letter from Mr. Hastings, dated the 29th of January 1781, describing the political Situation of Bengal at that Time, and some internal Arrangements which had been formed at Calcutta, but no Mention was made of any Salary.—And being asked, Whether he knew of its being in Agitation to annex a Salary, when he left Calcutta? he said, That he did understand that 5000 Rupees a Month was to be the Expence of this new Establishment, but whether the Whole or any Part of this Sum was for Sir Elijah Impey himself, he could not tell—That the Governor General and Council could undoubtedly annex a Salary to the Office, without its coming to his Knowledge; but he begs Leave to say, that Mr. Hastings has appointed him his Agent in England for the Purpose of explaining any Part of his public Conduct, which should be an Object of Enquiry (Vide Appendix N° 10), and to enable him to do this, he has furnished him with Copies of the most material Proceedings in Bengal for the last Three Years; amongst the rest, he has Copies of the Proceedings of the Supreme Council, when Sir Elijah Impey's Appointment was proposed by the Governor General; and he does not find any Mention of a Salary—That he believes the Date of the last Proceedings of the Council General, of which he is furnished with Copies by the Governor General, is the 8th of January 1781, and that the Date of the last Proceedings, of which he is in Possession, relative to Sir Elijah Impey's Appointment, is the Day of October 1780—That he conceives the Motives of the Governor General in the Appointment of Sir Elijah Impey, were pure and disinterested; that he conceived the Interest of the East India Company had been very materially affected in Bengal, by the unfortunate Contention between the Council General and the Court of Judicature, and that Sir Elijah Impey's Appointment would put a Stop to it; he also thinks there was another Object in view, which was, the equal Distribution of Justice throughout the Provinces.—And being asked, Whether at the Time of the Appointment of Sir Elijah Impey, he knew the State of the Dispute between the Governor General and Council and the Supreme Court? he said, He believed the Chief Justice was uniform in his Declarations, that he would support the Authority of the Court to the utmost of his Power—That he does not recollect any Instances subsequent to the Affair of Cossijurah, in which the Process of the Court had been resisted by the Council General—That he is pretty clear, that no Claims of Jurisdiction which had been disputed, had been relinquished by the Supreme Court—That he apprehends the Consequences of the Dissention between the Council General and the Supreme Court, and the Peace of the Settlement, and the ordinary Course of Justice, to have required a Remedy at the Time of the Appointment.—And being asked, Whether he apprehended that they rendered an immediate Remedy desirable? he said, They certainly did; because the Company were at that Time engaged in a very expensive War with the Marattas; they had just received Intelligence of the Invasion of the Carnatic, the Defeat of a very considerable Detachment there, the Retreat of Sir Hector Monro to Madras, and were apprehensive of the Arrival of a French Armament from the Mauritius; it was necessary to send 600 Europeans, ill as they could spare them, from Bengal to the Coast, and a very considerable Supply of Treasure; under these Circumstances, he thinks, it was necessary to preserve our remaining Resources in Bengal, as compleat as possible; and he speaks with Confidence, that the Revenues of the Provinces would have been very materially affected, and the Minds of the Natives, as well as the Europeans, greatly agitated by a Continuance of those Dissentions—That he knew of the Governor General and Council having sent a Petition to Parliament, and having made Representations to the Court of Directors, upon the Subject of these Disputes—That in Times less critical he should suppose it would have been the Duty of Mr. Hastings to wait for a Determination from England, before he should take any Measures of his own upon the Subject, but not as they were then situated—That he conceives the Resistance made by the Council General to the Process of the Court, and the Orders given by the Council on the Affair of Cossijurah, to have, in some Measure, but by no Means completely, removed the ill Consequences of those Dissentions, by deciding the Question for a Time by the Supreme Power of the Council—That he thinks the Country could not have continued with Safety in its actual State, after the Affair of Cossijurah, until a Decision could be had from England, because the Officers of the Supreme Court paid no Respect either to the Religion or the Prejudices of the Natives in executing the Process of the Court, and that there would have been as many Processes as heretofore issued by the Court.—And being asked, Whether the Determination of the Council General to resist such Process, would not have prevented their ill Effects? he said, the Interference of the Council General, would prevent the Gaol of Calcutta from being filled with the Natives, but their Religion would be affected, and their Prejudices would be hurt, by the Mode in which those Processes



cesses would be served—That he thinks the Knowledge the Country had of the Council General's Determination, to resist the Process of the Court in certain Cases, would not have prevented frequent Applications to the Supreme Court; in a Country so extensive as Bengal, there must be many Natives who would rather wish to apply to the Court from a View of impeding rather than forwarding Justice—He thinks, that the Appointment of Sir Elijah Impey was not intended as permanent; he believes Mr. Hastings intended it as a temporary Measure, it being very uncertain when the Decision of Parliament would be received; that Appointment could by no Means, in his Opinion, preclude the Effect of any Determination from England, when it should arrive—That he thinks this Appointment put a complete Stop to the Dissentions between the Council General and the Supreme Court—He believes the Appointment was agreeable to the rest of the Judges; he cannot speak with Certainty; he never heard to the contrary, which he thinks he must have done, if it had been disagreeable—That he understands the Dissention between the Governor General and Council and the other Judges to be at an End—He does not know of any Advantage accruing to the other Judges from this Appointment of Sir Elijah Impey.—And being asked, In what Manner he conceived the Appointment of Sir Elijah Impey to have produced a Reconciliation with the other Judges? he said, He knew no Reason why it should have affected the other Judges; but he always considered Sir Elijah Impey as the most solicitous to carry the Powers of the Court to their utmost Extent—That he does not know of any Advantage lately granted by the Governor General and Council to the other Judges, but he heard before he left Calcutta, that the Governor General and Council and the Judges had framed some Laws, which were very much wanted, for the better Regulation of the Police of Calcutta; he believes Sir Robert Chambers is placed at the Head of the Office of Police, from whence some pecuniary Advantages might occur, but the Expence is to be defrayed by the Inhabitants—That he conceives the Opinion of the European Inhabitants of Bengal, on the Appointment of Sir Elijah Impey, to be, that it would promote an equal Distribution of Justice, that it would prevent Appeals to the Supreme Court, and that it would prove a very considerable Saving to the East India Company; he believes the Company's Servants did not approve this Appointment, because they thought it would materially affect their Authority, but by what he could understand, it was generally thought by the British Subjects at large, that it would be attended with very beneficial Effects to the Natives, and to the East India Company—That he conceives it would produce a Saving to the East India Company, by a very considerable Diminution of their Law Charges, and by preventing Appeals to the Supreme Court on Matters of Revenue, which, as he understood, were attended with a very considerable Deduction of the Revenues; he only speaks from what he has heard, being totally ignorant of Matters of Revenue and Law—That he does not know the general Amount of the Company's Law Charges; he has heard it asserted in Conversation, that the Expences of the Supreme Court, and the Loss of Revenues in consequence of Appeals made to that Court since its Institution, amounted to about a Million Sterling—That he conceives this Appointment would affect the equal Distribution of Justice in the Provinces by the Company's Servants, who preside at the different Country Courts, having their Decisions appealed to Sir Elijah Impey—That the same Appeals were undoubtedly made to Sir Elijah Impey by the Suits in the Supreme Court; but he imagines that Sir Elijah Impey in his Decisions was bound by the strict Letter of the English Law, which he does not understand he is by his present Appointment; and that it was the vexatious Forms of the Supreme Court, which the Natives complained of, and not of the Justice of Sir Elijah Impey or the Court in their Decisions—That the Members of the Provincial Adauluts feel themselves much more secure, to his Knowledge, in the Discharge of their Offices, in consequence of this Appointment; before the Appointment took place, they were afraid to act at all, apprehensive they should be obliged to answer from their private Fortunes for any Decisions which should be reversed by an Appeal to the Supreme Court—That he does not understand that Appeals regularly lay from the Provincial Adauluts to the Supreme Court; but after the celebrated Patna Cause, he conceives, that under one Mode or another, every Native of the Provinces was at the Pleasure of the Judges amenable to the Power of the Court—That he left Calcutta, to proceed to Chunargur the 23d of June 1780, and returned to Calcutta the 13th of December, 1780—That he was not in Calcutta at the Time the Appointment of Sir Elijah Impey was made.—And being asked, From what Channels he collected the Information he had given relative to this Appointment, and the Effects of the Appointment? he said, From Conversation at Chunar, Benares, and on his Way to, and in, Calcutta—That the Appointment of Sir Elijah Impey would effectually prevent the Interference of the Supreme Court in Matters of Revenue, which was the grand Article of Advantage to the Lawyers, and that they must either get into the Army, or return to England; and some of the Attornies of the Court had actually got into the Army before he left the Country.—And the Witness said, What Mr. Hastings told him, he speaks positively, “that he “was sensible the Appointment would be misrepresented, and that he should incur much Odium by “it at Home, but that he trusted to the Rectitude of his own Intentions and the beneficial Consequences which he was sure would result from it, for his Justification.”—That there were some Attornies of the Supreme Court, who came out originally Cadets, and quitted the Army for the Practice of the Court, and in the late Want of Officers, they have been received again into the Army, upon the Establishment, as Cadets—That he does not know that there ever was any Dissention between the Puisne Judges and the Governor General and Council, except that in the Collisurah Affair, they agreed with the Chief Justice.—And being asked, As he was come on the Part of Mr. Hastings, to explain every Part of his Conduct, what Means he has of explaining what happened,

when he was not at Calcutta? he said, On his Return to Calcutta, he had Access to the Records, and was furnished with Copies of all the material Transactions which happened between the 23d of June and the 13th of December—That the Appointment of Sir Elijah Impey had then taken place—That he does not know of the Powers and Constitution of the Court of Sudder Dewannee Adaulut, as they are to be exercised by Sir Elijah Impey; he understands that it is a Court of Appeal from the Decisions of the Country Courts of Judicature in civil Causes, and no more—He does not know that Mr. Hastings had declared, that the Opinion now given by him was erroneous and ill-founded, nor does he know what Measures have been taken to prevent the clashing of Jurisdiction between the Court of Sudder Dewannee Adaulut and the Supreme Court—That Mr. Hastings certainly thought himself in the Right in opposing Sir Elijah Impey, who was the most solicitous to carry the Powers of the Court to its utmost Extent.—And being asked, Whether Mr. Hastings thought Sir Elijah Impey had exceeded the legal Extent of the Powers of the Court, or endeavoured to stretch those legal Powers beyond the Extent of the Purposes for which they were given? he said, Mr. Hastings, he could say with Certainty, was of Opinion, that the British Parliament did not mean to subject Natives of India, circumstanced as the Rajah of Cossijurah was, to be amenable to the Jurisdiction of the Supreme Court; and he was confirmed in that Opinion, by the Sentiments of the Advocate General—That he does not know that Mr. Hastings took the Advocate General's Opinion, or that of the other Judges, or any other Law Opinion, before he proposed this Appointment in Council—That the Chief Justice had nor, to his Knowledge, made any Declaration concerning his Change of Opinion of the Extent of the Powers of the Supreme Court, either before or since his Acceptance of the Appointment, nor the other Judges as he knows of—That he believes Mr. Hastings has not changed his Opinion concerning the mischievous Consequences of those Powers, and of their being contrary to the Spirit of the Act which appointed them; because he well recollects Mr. Hastings telling him, before he left Calcutta, that he hoped the British Parliament would take the State of the Supreme Court of Judicature into Consideration, and regulate their Powers—That he believes the Patna Cause was one of those where Mr. Hastings considered the Supreme Court having exceeded its Powers, and acted oppressively; and he never heard that there was a Second Opinion upon it in Bengal, except by the Gentlemen immediately concerned in the Supreme Court—That the Patna Magistrates were confined in the Gaol of Calcutta upon a Judgment, supposed to be excessive and beyond their Powers to pay.—And being asked, What was Mr. Hastings's Opinion upon this Transaction? he said, He does not remember hearing him give an Opinion, but the Case was so plain, that he must have thought as every body else did—That Sir Elijah Impey, never to his Knowledge, acknowledged that he was mistaken in that Business, or made or tendered any Satisfaction to the Parties who suffered under that Judgment; on the contrary, he takes it for granted he acted in that Manner, because he thought himself in the Right.—And being asked, Whether Mr. Hastings thought, that exclusive of the legal Merits of this Question, that Sir Elijah Impey conducted himself in this Case, and in other Cases in which Mr. Hastings opposed him (sometimes by defending the Parties at Law, and sometimes by opposing the Process of the Court by a Military Force) with Temper, Prudence, and Moderation? he said, That he believes Mr. Hastings thought, that the Conduct of the Court was very violent—That he understands, that by the Nature of the Court of Sudder Dewannee Adaulut, the Chief Justice has some Superintendency by Appeal, or otherwise, over the Natives of the Country—That he does not know that Sir Elijah Impey has expressed a very slight Degree of Regard and Attention to the religious Rights, Manners, Customs, and Laws of the Natives; but the Officers acting under the Authority of the Court at Cossijurah, did undoubtedly proceed to Violences, which might have been attended with very serious Consequences.—And being asked, Whether it did not appear to the Minds of the British Subjects, or to the Natives in general, or to Mr. Hastings in particular, that a Contempt of those Laws and Usages had been frequently discernible in the Proceedings of the Supreme Court? he said, Yes, he can answer for the Natives and British Subjects; he was one of 648 who signed a Petition to Parliament to remedy the Grievances complained of, which were undoubtedly as the Question states—That Mr. Hastings never expressed a different Opinion to him—That he never heard it surmised, that Sir Elijah Impey dissented from the other Judges of the Court on those Matters which gave so much Offence; on the contrary, he believes, he was full as active as any of the other Judges.—And being further asked, Sir Elijah Impey's Opinions being untraced, and he still remaining Chief Justice of the Supreme Court, how did his Appointment to the Sudder Dewannee Adaulut operate to put an End to the Disputes between the Government and that Court? he said, How it could operate he does not know; but it was looked upon, the Disputes were at an End—That he knows Sir Elijah Impey and the rest of the Judges personally, and that is all—That he never heard them talk upon this Subject in his Life—That from the Time the Order of the Governor General and Council was issued, not to obey the Process of the Supreme Court in the Cases therein described, no Cause that he knows of was agitated in the Court, which might give Rise to another Interposition of the same Nature.—And being asked, Whether a Salary was not proposed in Consultation at the Board, on the 24th of October 1780, for Sir Elijah Impey, by Mr. Hastings? he said, He believes he has no Copy of the Proceedings of that Day.—And being asked, As he was private Secretary to Mr. Hastings, how it comes that a Matter of such Consequence did not come to his Knowledge? he said, When the Appointment of Sir Elijah Impey took Place, he was doing Duty at the Garrison at Chunar; he came to Calcutta the 13th of December, and left it the 9th of January following. And being further asked, As he was near a Month in Calcutta, and that Two Months after the Appointment had taken Place, how it came that Mr. Hastings did not mention to him a

Matter

Matter of that Importance? he said, He conceived that Mr. Hastings supposed that he had a Copy of the Proceedings of the 24th of October; and that he alluded amongst other Things to the Salary, when he told him he supposed he should incur much Odium by the Measure—That he really did not know how it came, that Mr. Hastings (having charged him with his Defence against that Odium, as well as other Matters of Charge) made no Mention at all of the Salary, except a remote Allusion; but he believes most solemnly that Mr Hastings trusted to the Rectitude of his own Intentions, the Ease of the Natives, and the Saving to the Company, for his Justification. And being asked, Whether he gave him those Things in Charge to allege for him without mentioning the Salary, the Amount of it, or any other Particular relative to it? he said, He dare say Mr. Hastings thought that he had a Copy of that Consultation in which a Salary is proposed;—he had no particular Instructions respecting this Appointment of Sir Elijah Impey; but he begs Leave to read Part of a Paragraph of a Letter from Mr. Hastings to him, dated Fort William, 5th January 1781; and received by him that Day.

“ I rely on your Friendship for your general Attention to such Points as may in any Manner affect my Authority, or the Interest and Credit of my Administration.”

And being asked, Whether, as no particular Discourse passed on this Subject between Mr. Hastings and him, he was furnished with any written Documents before he left Calcutta, or afterwards, by Mr. Hastings, concerning this Salary? he said, He never was; but he is convinced that Mr. Hastings thought he had the Subject compleat before him—That he cannot conceive how this Paper alone escaped his Researches and Mr. Hastings's Communication; except that the Proceedings with respect to the Salary might have been entered at a Board of Inspection or Board of Revenue; and, in the Hurry of his coming away, he brought no Papers from either of those Offices—That he received some Papers from Mr. Hastings whilst he was at Madras, the 29th of January 1781—That undoubtedly those Twenty Days were sufficient for Mr. Hastings to furnish him with the Documents which had been omitted, and which might tend to explain a Conduct which he conceived was likely to subject him to Odium in England, if Mr. Hastings had supposed that he had not had the Subject compleat before him—That he has not had any verbal Communication, or Communication by Letter, with Mr. Hastings, nor written Document concerning the Proposition of that Salary; he never entertained a Doubt but that a Salary would be annexed to such an Office—That there never had been a Discontinuance of Friendship and Intimacy, or mutual Visits, between the Governor General and the Chief Justice—The only Time he ever supped at Sir Elijah Impey's, was with the Governor General and his Family in the Height of the Disputes in the Cossijurah Cause—That he does not know whether Sir Elijah Impey's private Opinion concerning his Appointment to the Office of Superintendent of the Sudder Dewannee Adaulut was taken by the Governor General, but he should imagine that he did communicate it to Sir Elijah Impey.—And being asked, If he thought a Business of such Importance, as a Salary to that Office, could be proposed by the Governor General without a previous Communication with the Chief Justice, or proposed at the Board, if he had expressed his Disapprobation of it? he said, Yes, he thought from Delicacy it might have been proposed without Communication; nor does he conceive, that if Sir Elijah Impey had expressed a pointed Disapprobation, that Mr. Hastings would have proposed it.—And being further asked, In what the Delicacy consists of the appointing a competent Salary for the Discharge of an honourable and very laborious Office, as it is stated to be in the Minute of Appointment? he said, He does not know; in his Opinion, he thinks it would have been an improper Conversation between the Governor General and the Chief Justice; nor does he believe that a Conversation concerning a Salary was ever held between the Governor General and Sir Elijah Impey—That he had heard it asserted in Conversation, that a Salary was either fixed or intended, but he had no Doubt one was intended—He thinks that it could not be a Matter of public Conversation at Calcutta, and Sir Elijah Impey not know it—That he thinks such a Minute, so essentially concerning the Chief Justice, could not be entered on the Consultation Books, without being afterwards communicated to Sir Elijah Impey; because it was asserted in one of the Minutes, that to accept of a Salary for the Office would be illegal; he did not hear that Sir Elijah Impey had declared any Opinion concerning the Legality or Illegality, Propriety or Impropriety, of it—That he does not know whether the Natives understood that he was to have a Salary or not, as he never conversed with any of them, but the British Subjects undoubtedly did—There was a Suit instituted in the Supreme Court on the Part of a Native, called Cossinaut Baboo.—And being asked, Whether the Chief Justice did not declare, That Cossinaut Baboo had not applied to the Supreme Court for Justice, until he had been denied it by the Governor General and Council in their Revenue Department? he said, He does not recollect; but he thinks it probable—That he does not know whether the Judges considered the Conduct of some of the Company's Servants in that Cause as corrupt and partial—That he heard that Cossinaut Baboo had withdrawn his Action from that Court—And being asked, Whether the Chief Justice did attribute his Desertion of the Suit to a Conviction of the Invalidity of his Claim, or to the Dread of the Powers of the Governor General and Council? he said, He does not know; but if he was to give an Opinion, he should think the latter.—And being further asked, What was done in the late Compromise, to secure Cossinaut Baboo that Justice which, in the Chief Justice's Opinion, had been denied to him by the Governor General and Council, and which it was his Opinion also, that none but the Supreme Court could give? he said, He cannot tell; but he understood that the Governor General and Council had decided to the Satisfaction of Cossinaut Baboo—That he never

heard whether any Thing was done to support the Honour and Authority of the King's Commission, which in that Case was supposed to have been violated.—That he does not know that any Satisfaction was given to the Court that the same Power which, in the Chief Justice's Opinion, had refused Justice to Cossinaut Baboo, and obliged him to withdraw his Suit, had not also obliged him to appear contented with what the Governor General and Council had allotted him.—Says, He considers the Letter of the 5th of January 1781, which he received from Governor General Mr. Hastings, as his Appointment to be his Agent in England; and Mr. Hastings has notified it publicly in the General Letter to the Court of Directors.—That before he left Calcutta, on the 9th of January 1781, he had not any Information, that a Salary was voted by the Council General to the Chief Justice, as Superintendent of the Sudder Dewannee Adaulut;—he does believe that a Salary has been fixed, from what he has heard, in Conversation at Calcutta, or was about to be fixed; but upon looking over his Copies of Proceedings, and not finding a Salary mentioned, he was led to believe that all the Arrangements, including the Salary, had not been finally concluded.—And being asked, If he had any Doubt upon his Mind that a Salary was fixed before his Departure from Calcutta? said, That he has a Doubt whether it was fixed or not when he left Calcutta, because it was not mentioned in the Copies of the Proceedings; but he has no Doubt it was intended.—And being asked, Whether he had any Doubts *now* of its having since taken place? he said, As a Difficulty had been stated in point of Law, he had, and has still, his Doubts; but as far as his Intelligence goes, he should imagine the Appointment and Salary had taken place;—he does not immediately recollect by whom that legal Difficulty was started, but he thinks it is in one of the Minutes of the Council.—That he imagines the Judges of the Supreme Court must have known of his Departure from Bengal, charged with Dispatches from the Governor General of a later Date than any which had been sent by the Company's Ships, because it was a Matter of public Notoriety mentioned in General Orders, and in the Calcutta Gazette.—That neither Sir Elijah Impey, nor any of the other Judges, did desire him to carry any written Dispatches, or to give any Explanation on their Behalf, on the Subject of the Compromise which had lately taken place in Bengal; Sir Elijah Impey arrived in Calcutta the Day before he came away; Two Danish East Indiamen sailed at the same Time with several English Passengers on Board.—That he does not know whether any Person is charged with Dispatches from them.—That Sir Elijah Impey's Arrival was from Moorshedabad at Calcutta; that the Post travels from Calcutta to Moorshedabad in Thirty Hours, and goes every Day.—That he was charged with Public Dispatches to the Court of Directors; they were dated between the First and the Ninth of January 1781.—That he considers Sir Elijah Impey's Appointment to be held during Pleasure.—He does not know of any other Motives than those he has assigned, which induced the Council General to appoint Sir Elijah Impey to superintend the Sudder Dewannee Adaulut, and he firmly believes there were none.—Nor does he know of any other Motives than those he has assigned, that induced Sir Elijah Impey to accept the Office.—That Mr. Hastings and Mr. Wheeler were the Persons that composed the Council General after the Departure of Mr. Francis to Europe; Sir Eyre Coote was gone to the Coast upon Duty.—He thinks he has heard that the Disputes between the Provincial Councils and the Superintendents of the Dewannee Adauluts, was one Reason assigned by Mr. Hastings for proposing the Appointment of Sir Elijah Impey; that he cannot positively tell whether such Disputes did exist, but he should suppose they did.—He perfectly well recollects hearing that it was impossible that the Superintendents of the Provincial Courts of Adaulut should be able to perform their Offices without some new Regulations; and he recollects one of the Gentlemen who was Superintendent of a Provincial Court, saying, how difficult it was to perform the Duties of it; and the Appointment to his Knowledge was declined by one of the Company's Servants for that Reason.—And being asked, If such Disputes did exist betwixt the Members of the Provincial Councils and the Superintendents of the Provincial Dewannee Adauluts, being the Company's Servants, what Authority does he think most competent to decide effectually upon such Disputes? he said, The Authority of the Governor General and Council immediately, or the Persons to whom they delegate their Authority.—And being asked, If the future Welfare of every Servant of the Company does not depend upon his due Obedience to the Orders of the Council General? he said, It would, if the Government was firmly established, but he has seen no fixed Government in Bengal for Seven Years, either from Changes or Rumours of Changes.—That the Council General have a Power of recalling from his Station, and suspending from the Service, any Servant of the Company; which Power has been frequently exercised.—That the Chief Justice has not any Power over the Servants of the Company, except what is given him by Charter for the Administration of Justice in due Course of Law.—He is not sufficiently Master of the Subject to know what Obedience he can exact and enforce to his Decisions as Judge of the Sudder Dewannee Adaulut.—He does not know to which Authority that of the Governor General and Council, or that of the Chief Justice, the Members of the Provincial Councils, and the Superintendents of the Provincial Dewannee Adauluts, will pay the most Respect, but in his own Case, he should certainly obey the Orders of the Governor General and Council.—As far as he can recollect, the general Opinion of the Officers of the Army, upon the Chief Justice's Proceedings against Lieutenant Colonel Achmuty and Lieutenant Bomford, for their Conduct at Cossijurah, in Obedience to the Orders of the Governor General and Council, was, that his Conduct was very violent.—And being asked, What Opinion did the Officers of the Army entertain of their own Situation, when, if they did not obey the Orders of that Power from which they received their Commissions, they were liable to be tried by a General Court Martial for Disobedience of Orders, and if they did obey those Orders, they acted against the King's Charter of Justice,



Justice, and were prosecuted for a Contempt of the King's Authority by the Judges of the Supreme Court? he said, He believed they thought their Situations dangerous; but he thinks the Officers in general would have obeyed the Orders of the Governor General and Council at all Events—That he never heard there were any Consultations held by the Officers of the Army under those very particular Circumstances; but it was a Matter of general Conversation and Alarm, and he never heard a Difference of Opinion upon the Subject.

Your Committee then called again before them, Philip Francis, Esquire; who was asked, If he was acquainted with the Establishment of an Ordinance of Police that had taken place at Calcutta, at the Head of which Sir Robert Chambers was placed, and from which he might derive pecuniary Emoluments? he said, He was; and that a little Time before he left Calcutta, a Plan for the future Regulation of the Police of that Town, and other Purposes, had been transmitted, in the Form of an Ordinance, by the Governor General and Council, to the Supreme Court, in order to be registered there, and finally passed, as the Law directs—For the Execution of this Ordinance it was necessary that certain Commissioners should be appointed; and as the Object of it was connected with and materially affected the Interests of the Householders at Calcutta, it was thought right that the Commissioners should be taken from among the principal British Inhabitants—Sir Robert Chambers is an Inhabitant and Householder in Calcutta, having vested a considerable Part of his Fortune in the Purchase of Two principal Houses; it was therefore very natural and proper, that he should be requested to be One of the Commissioners: Having accepted of the Employment, his Rank of course placed him at the Head of the Commission: But he declares, that he never did hear, that he or any of the Commissioners were to be or could be benefited, in any Shape, by holding that Office; no Salary, or Allowances, or Fees whatsoever for the Commissioners, was ever mentioned or thought of to his Knowledge.—And being further asked, If he knows, from the latest Advices he has received, that any Office of Power or Emolument had been proposed for Sir Robert Chambers by the Governor General and Council? he said, He has no Knowledge of any such Thing, directly or indirectly.

The Evidence respecting the State of the Gaol at Calcutta, having been omitted to be inserted in the Judicature Report made in the last Session, Your Committee have thought it necessary to subjoin the same to this Report, in Appendix N<sup>o</sup> 11.

19677.

**Y**OUR Committee being directed to report their Observations on the State of the Administration of Justice in Bengal, and instructed to consider how the British Possessions in the East Indies may be governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Natives may be best promoted; have thought it expedient, as a Preliminary, to take into Consideration the Proceedings of the Court of Directors of the East India Company; particularly where those Proceedings related to the Object of their original Inquiry.

The Interposition of the General Court of that Company, in the Management of its Affairs, is only occasional. The Court of Directors is the sole, ordinary, and standing Authority which exists, for the Regulation and Controul of their Servants; a numerous Body of Men, possessed of high and extensive Powers, and exercising them at a very great Distance from the Source and Seat of Government.

Your Committee therefore considers the securing an uncorrupt and vigilant executive Administration, in this, the ruling and presiding Part, as a Fundamental in every Plan which proposes Reformation in the subordinate Oeconomy of the British Affairs in India. To render the Company's Servants attentive to their Duty, the Directors should be rendered observant of their own.

It would be highly agreeable to the Wishes of Your Committee, to discover, by their Inquiry, that mere Legislative Regulation might be as effectual for that Purpose as Criminal Proceeding. It was from a Preference to lenient Methods (a Preference founded rather in a Disposition towards such Methods, than from any Experience of their Efficacy) that a Bill of Regulation, attended with Indemnity, was adopted in the last Session. The Treatment which that Bill has met with, when passed into an Act of Parliament (if the Matter rested upon that Example alone) has more than sufficiently evinced, that to multiply Statutes without a strict Attention to their Execution, serves only to encrease the Audacity of Delinquents, and to harden them in their Defiance of an Authority, which supports itself only by a feeble Repetition of Orders, which had been habitually despised.

1st. Your Committee observe, that Lawrence Sullivan, Esquire, Chairman of the Court of Directors, having been principally concerned in a Petition from the said Court to this House, against several Proceedings of the Supreme Court of Judicature in Bengal, was in a particular Manner called upon to co-operate in the Redress of the Grievances therein complained of, and to forward the Execution

Execution of the Act, concerning the Bengal Judicature, which had been made in consequence of the Allegations of that and of other Petitions to the like Effect.

2d. That one of the principal Articles of Grievance which appeared on the Examination into the Merits of those Petitions, related to the Sufferings of certain Native Magistrates of the City of Patna, and of a certain Suitor in the Provincial Court held in that City. And it appears to your Committee, that the Matter of Grievance was well established by Evidence. A Clause in the Judicature Bill of last Year, was inserted for a pecuniary Compensation to the Sufferers. This Clause was given up, on Mr. Sullivan's Engagement for himself and the Court of Directors, that the Sums contained in the Clause, should be paid by Order of that Court. That Engagement, Your Committee conceive to be in the Nature of an Agreement between Parties in a private Bill; without a due Observance of which, Business cannot be well conducted in Committees upon such Bills. Relief to Individuals among the Natives of India, may become a necessary Step towards general Redress, and general Satisfaction. Yet Circumstances may render it advisable, that the Company, entering into the Views of Parliament, should take such Relief upon itself, rather than that it should be made the Object of an Act of Parliament. In such Cases, the Directors ought religiously to keep their Faith. Mr. Sullivan himself has on his Examination declared, that he regarded it as his Duty, to take Care that the above Compensation should be made, considering it as the Sense of the House.

3d. That Mr. Sullivan did wilfully omit to enter the Purport of the said Agreement in the Minutes of the Court of Directors (according to his Promise and Engagement) or in any other authentic Manner, to communicate the same to the said Court, or to take any Step whatsoever towards fulfilling the said Agreement, or providing for the said Compensation, until the Seventh Day of December, after an Order had been sent from this Committee, to call for the Proceedings of the Directors upon that Subject. Then, and not till then, a Resolution of the Court was entered, conformably to the Agreement made so early as the Month of June last.

4th. That Mr. Sullivan did make, or cause to be made, an Entry in the Minutes of the Court of Directors, containing a false Account of the Substance of a Conference between him and certain Members of this House.

5th. That it was Mr. Sullivan's Duty to send by an Express Messenger (if none were ready to depart on other Affairs) the Act of the last Session, concerning the Judicature of Bengal. This Act, among other Matters important in Nature and urgent in Point of Time, contained a Clause for releasing the above suffering Persons, who even at the passing of the Act, had endured a cruel Confinement of Two Years and upwards, in the Common Gaol of Calcutta—For a Description of which Persons, and which Gaol, Your Committee refer to the Patna Appendix to their Report of last Session, and to the Examination of Mr. Francis in this Report.

6th. That Mr. Sullivan has confessed to Your Committee, that he did not send the said Act by a special or any other Messenger over Land. He has also confessed, that a Messenger had, since the passing the Act, been sent over Land; and Your Committee has Reason to be persuaded, that more than one Messenger since that Time had been dispatched by the same Route. Mr. Sullivan, on his Examination, has declared that he did not think it was incumbent on him to send it by any other than a Sea Conveyance. The Ship used for this Conveyance, did not sail until the latter End of October, and having met with a Disaster at Sea, was obliged to return to Ireland, from which she had originally sailed; and at the Time of Mr. Sullivan's Examination in December, actually lay in the Harbour of Corke.

It further appears in Evidence, that if Acts of Parliament are not transmitted to the Governor General and Council *by the Court of Directors* in a General Letter, and mentioned and described in the Body of the Letter, they are not considered in Bengal as truly authenticated, and cannot be promulgated by the Governor General and Council.

Your Committee were of Opinion, that many and very great Mischiefs might happen, if the authentic Transmission of Acts of Parliament relative to India was unnecessarily delayed; and thereby a private Communication should, for any Length of Time, precede that which is regular and official; for by their being long known before they could be considered as in Force, Scope would be afforded to the Artifices of those whom they were intended to restrain, to elude, or very much to weaken their Operation.

Observing that Mr. Sullivan, on a Plea of his Duty to conceal political Secrets, was unwilling to give Your Committee full Information on a Matter, which they conceived not to be of a Nature that could require Secrecy, ordered the Attendance of Mr. Wilks, an Officer of the East India Company, now acting as Clerk to a Committee of the Court of Directors, called The Committee of Secrecy, consisting of the Chairman and Deputy Chairman.

The Evidence of Mr. Wilks afforded little Information or Satisfaction to Your Committee.  
He

He (as far as they can collect any Thing very distinct from his Answers) has said, that Five Copies of each of the East India Acts of the last Session, had been transmitted by him at the Desire of the Chairman and Deputy (not by the Court of Directors) with a Paragraph in a Letter to the Governor General and Council, directing their Obedience to these Acts of Parliament; which Direction he inserted of Course, on being ordered to send the Acts of Parliament. It was collected from his Answers, that the Dispatch was dated the First of August, and finally dispatched the Third of that Month; that it was sent by Sea, and before the Dispatch sent by the Tryal Sloop. But he refused to inform Your Committee of the Name of the Ship, or the Time of her sailing, or Place from whence she sailed; and the Question being at length reduced to the mere Time of sailing, he refused even to inform Your Committee of this Particular. And being asked, Whether the Vessel sailed to the Tryal Sloop? he only answered, That he had no Knowledge of her having sailed to the Tryal. Nothing material appeared, but that it was a private Transmission only; and not such as is commonly reputed in India to be authentic and obligatory.

Your Committee should not have observed upon this Evidence, having derived little Information from it, but on Account of an important Fact which it brought to their Knowledge, and which they think themselves obliged to report without Delay to the House:

That an Oath had been administered to him, Mr. Wilks, on his entering in Office, by Sir George Wombwell, then Chairman, to the following Purport: "That he will not communicate, discover, or make known to any Person whatsoever, directly or indirectly, any of the Proceedings of that Committee." [The Committee of Secrecy.]

He conceived that he could only be dispensed with the Obligation of that Oath by the Authority of the Chairman and Deputy Chairman who composed that Committee; and that he was specially by them restricted from communicating to this Committee, the Secrets of that Committee; and particularly the Circumstances of the Dispatch of the Third of August; but had Leave to mention the Date of the Dispatch, and the Time of dispatching it.

This Oath seemed not a little to embarrass Mr. Wilks, not only in this, but in every other Matter on which he was examined by Your Committee. It appeared the more extraordinary, because (though Your Committee did not mean to derogate from their undoubted Right of asking any Questions which they should think advisable) no Question whatsoever was asked relative to the Subject Matter of that or of any Dispatch; the Question related solely to the Transmission, Six Months ago, of Five printed Acts of Parliament: And he himself informed Your Committee, "That the sending of Acts of Parliament could not be considered as any Part of their Proceedings as a Committee of Secrecy;" and "as such, that they had nothing to do with the Act of Parliament."

Your Committee observe, That they know of no legal Power by which that Oath was administered; and they conceive the total Subversion of all judicial Proceedings, and of all Parliamentary Enquiry, must ensue, if any Persons are permitted to tender and receive voluntary Oaths of Secrecy, which do not include an Exception to an Examination by a competent Authority. The Persons whose Conduct is the immediate Subject of Enquiry, may be (as in this Case they are) the only Persons who can dispense with the Oath. They may actually restrict (as here they have restricted) the only Evidence which is capable of giving satisfactory Testimony concerning their Proceedings. It would be to no Purpose to make Acts to regulate and controul Persons in Trust by the East India Company, if they were, by Oaths of Secrecy, permitted to disable the Witnesses which might prove their Breaches of the Law. If such Oaths are allowed to be valid, they must wholly disqualify this Committee from an effectual Observance of any Part of the Instructions received from the House.

Your Committee are therefore of Opinion, That the giving of such Oath by the Chairman of the Company without any Authority of Law to give it, was originally unwarrantable; and that the enforcing it, with Regard to the Enquiries of a Committee of this House, is a Misdemeanor.

Your Committee, before they conclude this Head of their Proceedings, think it necessary to report to the House, their Observations upon a Matter which incidentally came to their Knowledge, in the Course of their Enquiry into their First Object, and which they consider as of an extraordinary Nature, and well deserving the serious Attention of Parliament.

Upon a Plan of Reformation, adopted by Parliament in the Year 1773, Mr. Francis was, with others, constituted in the Statute which carried that Plan into Execution, a Member of the new Council General, formed for the Government of Bengal, and the Superintendance of the whole Administration of the British Affairs in India. Mr. Francis, in a Letter addressed to the Court of Directors, which is become Public, has, in distinct and unqualified Terms, charged that Court with little less than an entire Neglect of their Duty, in many of its most essential Parts; and in particular, with the constant Support of certain of their Servants in an open Disobedience of their Orders. To this Letter Your Committee refer in their Appendix, N° 8.

Mr. Francis, though he waited on the Chairman and the Deputy on his Arrival in London, and was by the Chairman visited, never was asked a Question of any Sort relative to the important Affairs in which he had been engaged, and which, when he departed from India, were left in a critical Situation; nor did the Chairman ever summon him to appear before the Court of Directors, or call upon him in any Way, either to abandon or support his Accusation.

Your Committee are of Opinion, That the Authority of the Court of Directors cannot be maintained in the Respect necessary to give Poise and Controul to that immense System of Offices of all Descriptions, who act under them, if they are seen to pass over, in a Silence strongly expressive of Guilt, such weighty Charges against them, brought in so solemn a Manner, by a Person of so high a Rank in their Service. Your Committee conceive, That those Directors are ill qualified to confront the Boldness of Delinquents, strengthened perhaps by Wealth, Combination, and a common Cause of Abuse, who are themselves obliged to shrink from Enquiry, and who do not dare to look in the Face a Servant of their own, who indicates (at least by his Charges on them) that there is nothing in his Conduct, which calls for a mutual Traffic of Connivances. On the other Hand, Your Committee are of Opinion, that it is the greatest of all Discouragements to honest and disinterested Servants, who shall be disposed faithfully to obey the Orders of the Company, when they receive Commendation at the same Time that they are denied Support; and that a Censure for Disobedience is followed with a Continuance, and even an Increase, of Trust, Favour, and Power. This Conduct in the Court of Directors, if it should, on further Examination, appear in the Manner in which at present it stands charged, and not answered, will lead irresistibly to a Presumption, that proper Directions are given only with a View to Acquittal on the Foresight of a Criminal Charge; but that in Reality, those who issue colourable Orders, are secretly in League with the Offenders, on whom they pass an unoperative Censure, which, instead of correcting Misdemeanors, become an Indemnity from the exemplary Punishment demanded by their repeated Acts of Disobedience.

The Experience of many Years, and the Fate of a great Multiplicity of Regulations, has proved, that no Alteration in the Constitution of the Court of Directors, (whether affecting the Duration of their Office, or the Rotation established in that Body) that no Change of Qualification in those who elect them; that neither the Nomination of new Servants to superintend their Affairs in India, (although the Nomination was actually made in Parliament) nor the Establishment of a new Court of Supreme Judicature, (though that too was made by parliamentary Authority) nor the Appointment of the Judges (though by the Crown) nor all these, with all the other numerous Provisions in the Act of the Year 1773, and the subsequent Acts, taken together, can furnish an adequate Coercion, where the Temptations to Delinquency, in whatever Hands Power may be lodged, or from what Quarter soever it may be derived, are infinitely great, and the Danger attending it has never appeared in one single Example of Importance: On the contrary, it is to be apprehended, that the Regulations, standing, as they stand, thus naked and unarmed, have proved rather mischievous than beneficial; and that the very Controuls and Balances contrived in the Indian Administration, have increased the Discords, without reforming the Corruptions of Government. It is even to be feared, that whilst Regulation is unattended with Enquiry, the loading the Revenue with heavy Salaries, in the Hope of securing Independence to Office, has only served to secure a strong Ground, which enables the Officer to contend with Advantage for other Offices with other Salaries, and to give Rise to Controversies, which after being pursued through an intricate Maze of Dissention and Corruption, terminate at length in that very Dependence, which the original large and certain Emoluments were given to prevent.

Your Committee are of Opinion, that the Abuses which prevail in the British Government in India, do not arise from the Want of a sufficient Number and Variety of Employments, but from a long-continued Inattention to the Conduct of those who are either in the Possession of Places of high Trust, or in probationary Situations leading to such Places.

Your Committee having examined into the Conduct of the Chairman of the Company, with regard to the Objects of the East India Company's Petition, proceeded in the next Place, to consider the late Arrangement which has been made by the Governor General of Bengal, in Favour of Sir Elijah Impey, Chief Justice of the Supreme Court.

This Arrangement Your Committee find to be of so much Moment, and leading to Consequences which must so materially affect the Objects into which they have it in Charge to enquire, that it becomes their Duty to lay it open in the most full and most explicit Manner to the House, such as substantially it appears to them; in order that the House, discovering the true Motives of the Parties, and the real Spirit of the Transaction, may be the better enabled to adopt such Modes and Measures of Coercion or Regulation, as the Importance of the Subject may require. Your Committee have, therefore, considered the Matter, and digested their Observations under the Six following Heads:



- 1st.—The Power given or implied by the Governor General to reside in the Office of Judge of the Sudder Dewannee Adaulut, lately conferred on Sir Elijah Impey.
- 2d.—The Circumstances under which the Appointment was made.
- 3d.—The Expediency and Policy of that Establishment, in that Person, and with those Powers.
- 4th.—The Act of Parliament and other Powers under which the Appointment was justified.
- 5th.—The probable Effect, which that Appointment, under those Circumstances will have : 1st. On the Natives ; 2d. On the Judges and other Officers of the Supreme Court ; 3d. On the Members of the Council General not concerned in the Transaction ; and, 4th. On the British Inhabitants at large, and the Professors of the Law in particular.
- 6th.—The Manner in which the Accounts of the several Parts of that Transaction have been transmitted to Europe, and the Effects of that Mode of Transmission.

### I.

Under the First Head, Your Committee enquired into the Powers and Authorities belonging to the Office which has been granted to Sir Elijah Impey. As they are not defined in the Minute of the Appointment and Acceptance, which was entered on the 18th of October 1780, Recourse was had to the Minutes on the original Proposition, made on the 29th of the preceding Month. Those Minutes convey (though by no Means with the Accuracy and Precision that ought to have been used upon so very important an Occasion) the Sense which the Mover, Mr. Hastings, entertained of the Powers he was giving, as well as the Light in which the Members of the Council who dissented, understood the Powers they were opposing. As the Notions of these dissenting Members on that Subject were never contradicted by Mr. Hastings or by Sir Elijah Impey, Your Committee were of Opinion, that from the joint Consideration of all the Papers which compose (what is called) the *Consultations* on that Business, something of the true Nature and Extent of the Authority might be tolerably collected. The Whole of these several Minutes must be considered as one Piece ; else the Powers expressed in the Proposition on which the Institution is framed, and the Institution itself, might be essentially at Variance ; a Matter extremely irregular, and which would give Rise to the worst of Practices ; for when the enormous abstract Power of the Court is questioned, it would be defended on the Terms of the Minute of Appointment, which expresses little or nothing distinctly ; but when in Practice that Power was to be exerted, Resort would be had to the avowed Intentions of the Legislature, to have it construed in a very extensive Sense.

In order to obtain, if possible, a more just and satisfactory Idea of the Office, Your Committee also perused the Plan of the original Court of Sudder Dewannee Adaulut, inserted in a Report of the Secret Committee which sat in the Year 1773. But Your Committee found, that the Definition there given in very clear and precise Words, to be so totally departed from by the Construction in the Minute of Mr. Hastings of the 29th of September 1780, that no specific Limits to the Authority of the Court can be clearly marked out by a Reference to any Part of that Plan.

The Definition which stood in the original Constitution of the Court of Sudder Dewannee Adaulut, namely, “ *that it should be a Court of Appeals from the Provincial Courts,* ” is expressly denied of this new Office ; so far as the Definition confines the Jurisdiction to Appeals. By the Description substituted in Mr. Hastings’s Minute, it should seem, that the Jurisdiction may be appellate or original, as Sir Elijah Impey shall choose ; that he may, at his Discretion, call up, and revise or alter, any Part of the Proceedings in the Courts below ; that he may form such Rules for the Proceedings of those Courts as he thinks fit. No Rule of Law or Equity, or Usage, either of Great Britain or of any other Nation, is laid down in that Consultation, by which he shall judge, or by which he is to be governed, in the Rules which he shall prescribe to the several Courts below. No Species of civil Cause is clearly excluded from his Competence. No Class or Description of Men is distinctly exempted. The Judgment is final and conclusive ; there is no Appeal, Revision, or Rehearing in any other Place. All this Power is vested in a single Man.

This Authority (so far as may be inferred from the Governor General’s Reasoning upon it) extends not to the Proceedings only, but to a Power of Alteration in the very *Constitution* of the subordinate Courts themselves. For he is declared in the Minute to have Power to remedy their *Defects*, and to form *such new Regulations and Checks* as Experience shall prove *necessary to the Purposes of their Institution*. And this, it should seem, is a Power which he not only may, but must exercise. For, if the Provincial Courts are, as the Framer of this Institution asserts, “ *in Want of legal Powers,* ” except such as are implied in *very doubtful Constructions* of the Act of Parliament, and that the Want of legal Power is to be supplied, and these Doubts to cease on Sir Elijah Impey’s Appointment, it can only be effected by his supplying these Courts with Powers of another Kind, and bestowing such as shall be agreeable to the real Authority given by the Act. The Minute either supposes an Authority in Sir Elijah Impey to new-model the Courts to the Act of Parliament ; or, what would be worse, to confer upon them Powers, which the Act of Parliament had not given the Governor General a Power to confer.

After

After declaring or presuming, these Powers, or Powers tantamount to them, to be vested in the Chief Justice, a Power is also, by a subsequent Minute or Resolution, reserved to the Governor General and Council, on their Part, to make Orders, Rules, and Regulations, which the Judge is to obey. Here is a double Legislative Power; one delegated, the other held. But, as Regulations and Ordinances are, for the most Part, by their Nature, general and prospective, they give (even if the Council does possess any Power of making them) no Remedy in *particular* Cases; nor is there any Relief if they are not obeyed; except the dangerous Power of Removal at Pleasure of a Judicial Magistrate; which may be exercised on Account of the Judge's doing his Duty, as well as for his having violated these, or any other Regulations.

The Chief Justice accepts the Office in the following Words: "Under its present Regulations, and such others as the Board shall think proper to add to them, or to substitute in their Stead." On these Terms it is impossible to know what Authority he may or may not exercise in that Office. He is Judge of the Supreme Court, whose Authority he had frequently declared to extend over Acts of the Council General collectively, as well as to the Conduct of the Members individually. He here submits himself to their Power of Regulation, without any Sort of Reserve whatsoever; though it is obvious, that their Regulations might possibly clash with or affect the Authority and Jurisdiction of the Supreme Court, which in another Capacity it was his Duty to maintain; and which he had represented it as the systematic Design of the Council to impair, if not to destroy.

When the Court of Sudder Dewannee Adaulut has received such a Latitude of Power in itself, when it *may* receive much larger, and may, mediately and immediately, give such Powers to the Provincial Courts; none but the Supreme Court (which now stands on a most precarious Footing) appears *competent* to question the Right of acting either in the one or in the other. But the Governor General asserts in his Minute, that these Provincial Courts, "when acting under the Sanction and immediate Patronage of the first Member of the Supreme Court" [now become Judge of the Sudder Dewannee Adaulut] "*nobody will dare* to dispute their Right of acting;" and, by much stronger Reason it must appear, that none will dare to dispute the Right of acting of the Person under whose Protection the inferior Courts are to enjoy so formidable an Immunity. All legal Power of Controul in the Supreme Court being rendered precarious at best, and so rendered by the Effects of the Patronage of the Chief Judge of the Supreme Court itself; the sole Corrective to the Power given, with Regard to particular Suits, must reside in the personal Qualities of Sir Elijah Impey, who is the principal Judge in one Court, and sole Judge in the other. What those personal Qualities are, it may be difficult, in the Midst of a warm Contest, exactly to discern. But there is no Difficulty at all in pronouncing on Mr. Hastings's Opinion of them. He certainly conceived, that Sir Elijah Impey's Conduct throughout the late Proceedings of the Supreme Court, was violent and indiscreet; and that towards the Natives, as well as towards several British Subjects, it was harsh and oppressive. Upon no other Grounds did he, or could he stand clear of the same Imputations on himself, in his strong Acts of Power in India, and his strong Remonstrances sent to Great Britain. Yet has he chosen to put the Person whose Conduct he thought thus rash, even when limited by Laws and Charters, into an Office of such unlimited arbitrary Power, as nothing but the greatest Temper, Moderation, Equity, and Regard to the Natives, could render in any Degree tolerable. If the Appointment therefore of such an Office could be justified by Law, or any avowable Expediency, Mr. Hastings is clearly reprehensible for filling it with a Person of whom he had entertained, or pretended to entertain, an Opinion, which (if well grounded) must render him altogether unfit for that Situation. He has put into a Situation of great Power and Trust in the Company's Service, the Chief Judge of a Court; the constant Aim of which he had represented to be that of Encroachment (if not worse) on the Rights and Privileges of that Company; of whose Rights and Privileges he (Mr. Hastings) was the natural Guardian and Trustee.

## II.

The Circumstances in which this Arrangement was made, have next attracted the Attention of Your Committee.

The Governor General had published Orders, authorizing a Disobedience to the Process of the Supreme Court; and supported these Orders by a Military Force. The Chief Justice persevering in his Claims, issued Process for seizing the Officers, who acted under the Directions of the Governor General, even in the Camp; and Attempts were more than once made to put this Process in Execution.

In this Situation, the Governor General applies to Parliament for his Indemnity, on Account of a Proceeding, in itself so highly criminal, and so extremely dangerous in the Example; justifying himself (as it might naturally be expected) on the absolute Necessity of the Case; owing to the violent Spirit of the Court, their systematic Scheme for extending Jurisdiction, and the dreadful Consequences which might arise from the Discontent and Desperation of the Natives, irritated beyond Patience by the intemperate Proceedings, in which the Chief Justice had taken so active a Part. In Support of that Assertion, together with many other Matters of Charge, he transmits Petitions of the Natives, heavily complaining of the Conduct of the Supreme Court.

The Chief Justice, in his Letter to the Secretary of State, on his Part complains of the violent Proceedings of the Governor General and Council; whom he charges likewise with a systematic and regular Design of overturning the Authority of the King's Commission; asserting that the Charges against himself and the Court, were unfounded, so far as those Charges had come to his Knowledge. He states the Petition of the Natives, as not their true Sense, but as a Representation obtained from them in the Manner in which Petitions for factious Purposes are obtained in England, but with this Difference, "that the Petition against the Court, [the Supreme Court] was obtained under the Influence of Terror."

He represents, in a Letter to Lord Weymouth, 26th March 1779, "that Complaints without *being examined*, found an easy Admittance on the Consultations of the Governor General and Council; they hoped they would form a Body of Accusation, which would be taken for Proof, and would at once overwhelm the Court. *From the Establishment to the present Period*, it has been attacked by Charges kept *profoundly secret* from the Judges." In his Letter of the 29th of March 1780. He states, "That from *the universal Tenor* of the Conduct of Government, from the *Anxiety* with which Complaints against the Court are collected, and the *Secrecy* with which they are sent to England; from no Appeal having been made on any Question of Jurisdiction, and no public Prosecution carried on against the Ministers of Justice, it appears to me to have been a *concerted Plan*, to enter every Representation to the Prejudice of the Court or its Officers, *silently* and *ex parte* on their Records, and not to let the Facts which they contain, be brought to a Public Discussion, either here or at Home by which they hope that to prevail *unexamined*, by its Weight, as an heavy Body of Accusation, which might be liable, on Examination, to be *refuted and falsified*."

This Want of Communication of Charges had been frequently urged against any, even against a merely remedial, Proceeding in Parliament, by which the Character of the Chief Justice might be remotely and by Inference affected.

Although the Want of Communication did not appear to Your Committee a sufficient Reason against providing a Remedy by Regulation, for a proved Grievance, it always did appear to them highly blameable in the Governor General and Council, not to have made a regular Communication of their Complaints to the Judges; which in this last Instance we do not find to have been done. The British Inhabitants pleaded Fear of the Retortment of the Court, and as it should seem, not wholly without Reason. But there was no Reason for such Apprehension on the Part of the Governor General and the Board, armed as they were with all the Powers of the State, and disposed to use these Powers in their fullest Extent.

Under these so heavy reciprocal Accusations, the Parties were in the last Session brought before a Committee of this House. On the Revival of the Enquiry in the present Session, the Conduct of the Persons making these Accusations, became an early Object of Attention to Your Committee. Mr. Shakespeare, Chief of Dacca, was examined. His Evidence implies, that the Governor General and Chief Justice had for some Time forbore their mutual Visits, but about the Time of the Arrangement for the Court of Sudder Adaulut, they were reconciled.—Major Scott, private Secretary, Aid du Camp, and Agent to Mr. Hastings, was also examined. He is more full and direct, as he is by his Situation better qualified to speak to the Habits of the Parties. He informs Your Committee, that during the whole Time of so violent a Contest, and when Accusations of the most atrocious Kind were made against the Chief Justice, without Communication, he and his Accuser lived in an unbroken Intercourse, and on Terms of Intimacy and Friendship.

The Conduct of the Governor General and Council, in collecting, countenancing and transmitting Charges against the Court, which appears so blameable to impartial Judges in England, was considered (as might be expected) in the very worst Light by the Chief Justice. For so early as August 1775, speaking of himself and his Brethren, he says, "We cannot but consider any *Secret Animadversions* on our Conduct, as an indirect, and consequently an illegal Interference with our Authority, *tending to weaken the Independency*, without which it is *impossible* to administer impartial Justice." His Opinion of the Necessity of his *Independence* towards his performing the Duties of his Office, is certainly just; and his Concern for whatever might seem even *indirectly* to tend to weaken it, is, without Doubt, highly commendable. His Indignation against all Secret Accusations, is natural and becoming; he appears a Man of the quickest Sensibility to sinister Imputations, though not such as he thinks will affect him before any competent Authority; for in his Letter of 20th January 1776, "He calls on the *Humanity* of the Secretary of State to excuse him, labouring as he is, under the most agonizing Apprehensions that *some Part* of the foul Imputation on his Character will gain Credit among the *Multitude*," whom he states to be too apt to give ear to Calumny. Under the fresh Soreness of such Feelings, and under such heavy Charges, not made to the Multitude, but to Parliament, he takes an Office of Profit under the Authority, and tenable at the Pleasure of the very Board, composed of the very identical Persons who had transmitted against him Accusations, (which if innocent, he must suppose to be ill-grounded) and which by not being communicated, he must consider as unfair

fair, if not treacherous, and deserving of all the Epithets to which he had formerly given to "Secret Animadversion."

It is *remarkable*, that whether he always continued in Friendship with Mr. Hastings, as Major Scott affirms, or was reconciled after a Coolness, as Mr. Shakespeare supposes, that neither in the continued or on the renewed Friendship, any Stipulation with the Governor General appears to have been made by the Chief Justice, for furnishing him or his Brethren with the Materials for a Defence to oppose to the uncommunicated Charges laid before Parliament against them, and against himself; nor did Your Committee find that any further Complaint of want of Communication has been made against the Governor General and Council, nor any full Elucidation of the Matters in Dispute been sent, though Opportunities have occurred.

Another Circumstance is remarkable in this Transaction, and may lead to a Discovery of the Sense which the Parties themselves entertained of it. In the Year 1772, the present Governor General, with the then Council, had formed a System of Provincial Courts; in which, as has been already observed, the Court of Sudder Adaulut is the Chief. What Opinion the Governor General entertained of the Legality of this Institution, will appear from his own Minute, with regard to their "very Right of acting." He affirms, that "their Powers are only implied;" and that Implication only "on a *Construction* of an Act of Parliament;" and that Construction "*doubtful*," and not only doubtful, but doubtful in the Extreme, "*very doubtful*," which is substantially the same Thing, as in his Opinion having little or no legal Authority.

If this was his Opinion of the lower, it must also, and for much stronger Reason, be his Opinion of the higher Parts of the same System—for it would be absurd to suppose a lawful Court of Appeal from Courts, which in themselves are fundamentally illegal.

This being the Governor General's Idea of the constructive and doubtful Nature of the original Institution, the giving it, by a further Construction, a far larger Degree of Authority, must have appeared an Assumption of Power (if possible) still more doubtful; and in that Case, it behoved the Governor General not to have made such Dispositions, until both the first and last Doubts were removed by an Authority that could not be dubious.

But Your Committee find, That no public Means of any Sort, either on the Part of Mr. Hastings, or on the Part of the Chief Justice, were taken to remove those Doubts, supposing the Measure of such Urgency as to require its Accomplishment before Recourse *could* be had to Great Britain, which Your Committee conceive it was not. In a Business of this Moment, which, if any Thing could be so, was, by Eminence, a Matter of Law, *for the first Time*, no Law Opinions were taken on either Side. During the preceding Contests with the Supreme Court, the Council Board had been all along aided by the Opinion of the Advocate General, though the Members were then entirely unanimous. On several former Occasions, they had even applied to the Advice of the Judges of the Supreme Court, though the Matters were not more interesting, nor more involved in legal Difficulties.

The Chief Justice, on his Part, had been in the Practice of availing himself of the Assistance of his Brethren of the Bench. Here, for the first Time, the Communication between them was cut off. No Application was made by the Chief Justice to his Associates in the King's Commission.

This Law Arrangement, thus made without any Law Reference, is the more striking, as, instead of the former Unanimity, the greatest and strongest Difference of Opinion had prevailed on this Point. It appears, that the Council were equally divided in Number, and the Question was carried only by the Governor General's casting Vote. In this Dissention, no Application was made to the old Law Refort, though the Governor General had, a very little Time before, concurred in, if not been the Proposer of, a Grant of a Salary of Three thousand Pounds a Year, in Addition to the former Salary, which was of the same Amount, to the Advocate General for his Assistance in Masters of Law.

The Governor General, independently of his legal Difficulty, had no Doubt that this Measure would subject him to much Obloquy. The Chief Justice must be presumed to know that he should necessarily be involved in the same Censures. It also appears in Evidence, that the Arrangement was, in Fact, odious to the British Inhabitants in general; and the Witnesses are of Opinion, that it must have proved displeasing to the Junior Judges of the Supreme Court.

No Way appears of accounting for this unprecedented Omission on both Sides, but this; that the Parties were well convinced that their Doubts of the Legality of the Appointment (which they had determined to carry into Execution, notwithstanding the official Opposition and the Public Odium) were more likely to be confirmed than removed by any Reference they could make.

## III.

The Grounds of Expediency on which this Court has been justified, are stated at large by Mr. Hastings, in the Papers called "Consultations of the 29th of September 1780," which are answered in other Papers by Mr. Wheler and Mr. Francis. Your Committee refer to these Papers in their Appendix, N° 4. observing, that the Objections made to this Appointment appear solid; and that they have received no Answer in any Minute of Mr. Hastings, nor in any Writing produced to this Committee; nor has Mr. Scott, Agent to the Governor General, verbally given any Solution to their Difficulties. Mr. Hastings is said, by himself and by Major Scott, to depend upon his good Intentions, and the Benefits to arise to the Company; which is an unsatisfactory and improper Mode of Defence, when Objections to the Conduct of a Person in Authority are *Specific*.

In Addition to these unanswered Objections, Your Committee observe, that the Two principal Causes assigned for the Arrangement by Mr. Hastings, through his Minute and his Agent, are, First, The Harmony which is to prevail between the executive and judicial Powers; and Second, The preventing of Suits before the Supreme Court against the Company, or against those, whom it may be thought fit to support at the Company's Expence.

To accomplish a contingent Saving, a certain Expence is incurred of Eight thousand Pounds a Year, besides the Expences of the Establishment, which are in all Probability very large. The additional Salary voted to the Company's Advocate General, in Consideration of his Advice and Assistance in Suits (Suits in this Arrangement supposed to be prevented in future) amount to Three thousand Pounds annually. And Experience has abundantly shewn, that the Charges of Indian Establishments have never been permitted to remain long on the Expence limited by their original Institution. It is not stated what Fees of Office are or are not permitted to be taken, either by the Judge, or any inferior Officer, or by Practitioners in the Court. Such Fees are virtual Charges on the Revenue; and this Point ought to have been clearly settled before the Salaries were appointed. The Propriety of the Quantum allotted to each Office, must depend on the other Emoluments which each Officer is allowed to possess.

Neither is it at all clearly stated in what Manner *any* Saving can accrue, as the Supreme Court retains all its Claims; and a new Court is added, in which it does not appear, that Suits may not be commenced wherein the Company may be as much obliged to defend their Officers, as in any which have been commenced, or may be commenced hereafter, in the Supreme Court.

With regard to the Second Ground of Expediency, namely, The Harmony between the Civil Administration and the Supreme Judicature, it is to be observed, that towards reconciling the Differences between them, neither of the Parties seem to have abandoned any Part of their Claims. Mr. Hastings had contended, that if the Claims of the Supreme Court should prevail, the Government of the Country would be embarrassed, the Revenue destroyed, and the Natives oppressed. On the other Hand, the Chief Justice maintained the Rights claimed by that Court, as of absolute and indispensable Necessity towards obtaining its End in the Protection of the Natives. The Idea of establishing Peace, upon the Ground of adverse Claims thus fundamentally differing upon Principle, and which nothing even appear to reconcile but the lucrative Office given to the Chief Justice, can be maintained but upon Suppositions highly dishonourable to the Public Justice, and to the executive Administration of Bengal.

It is indeed observable, that the whole Scheme of Reasoning, by Mr. Hastings, proceeds upon a Supposition, that in Substance and Effect the Chief Justice was the whole Court. As Mr. Hastings well knows the State of the Country, and of that Court of Justice, the Ground of the Reasoning cannot be wholly slighted, as it determines much concerning the Effect of the new Appointment on the Welfare of the Native Inhabitants, as well as on the Utility of the Judicature established under the Royal Charter.

The State of Bengal under the Two Courts, namely, the Supreme Court, and the Court of Sudder Adaulut, constituted and filled as they now are, is conceived to be this: In the Court of Sudder Adaulut, the Natives, and a great Part of the Company's Servants, are subjected to the Discretion of Sir Elijah Impey. No Place is left in which to question the Extent or the Exercise of his Power in the Sudder Adaulut, but the Supreme Court. But in the Supreme Court, the Complainant finds the Person against whom he complains, sitting as the presiding Judge. One and the same Man in his own Person possesses, and in Effect blocks up, all the Avenues to Justice.

Against the Subject, and against the inferior Magistrate, this two-fold Authority is boundless and formidable; against the Persons, most capable from their Situation of causing and countenancing Abuse, it is feeble and precarious at the best; and in Truth, more likely to become the Instrument than the Controul of their Designs. By the Dependency of one Tribunal, both are rendered dependent; both are vitiated; so far as a Place of great Power, Influence, and Patronage, with



near Eight thousand Pounds a Year of Emoluments, held at the Pleasure of the Giver, can be supposed to operate on Gratitude, Interest, and Fear. The Power of the Governor General over the whole royal and municipal Justice in Bengal, Bahar, and Orissa, is as absolute and uncontrollable, as both those Branches of Justice are over the whole Kingdom of Bengal.

In that Situation the Governor General is enabled to do Things under the Name and Appearance of a legal Court, which he would not presume to do in his own Person. The refractory to his Will may appear as Victims to the Law; and favoured Delinquency may not appear as protected by the Hand of Power, but cleared by the Decision of a competent Judge. Other Establishments have had fair and plausible Beginnings, and have afterwards degenerated. But this sets out abusively in its fundamental Principle. And from what has already appeared to Your Committee, this Arrangement may be only preliminary to great and critical Changes; undertaken, if not by this Time executed, on the whole Establishment of Bengal; to the Effect of which Design, the Acquiescence or Impotence of the Supreme Court, and the Subsistence of the new Institution, may be essential.

#### IV.

The Fourth General Head under which this Arrangement has been examined by Your Committee, is the legal Authority upon which it is supposed to be made.

Your Committee are of Opinion, that no one Object requires the vigilant Attention of Parliament, more than the Power exercised of making new Courts of Justice in India. The Power by which new Courts of Law are made, is of the highest Form of Authority, and in its Nature, Legislative. But if these Courts are without Jury, where the Law and the Fact are in the same Hand; if they are without Appeal, where there is no Resort against Precipitancy, Error, or Corruption; if they are in a single Person, where they are without Check or Assistance from co-ordinate Rank, or equal Understanding; if they are not limited in the Quantity of Property to which they shall be competent, but may decide in the greatest Interests; the more dangerous it is to put the Power of conferring such Authority into subordinate Hands. These Considerations, which apply with Weight in all Cases, apply with far greater to Courts of Justice in a Country so distant as India; and where Religion and Manners double the Distance. But so long as the Exercise of this Power is permitted in the present Hands, the greatest Care ought to be used, that the Authority under which new Courts are established, be clearly known, and clearly legal; and that the Powers given to them, be as definite as possible.

Mr. Hastings has not stated upon what Clause of the Act (supposed the Act of 1773) he made the very doubtful Construction, by which he implied his Power of creating a System of Courts of Judicature, of which the Sudder Adaulut is Part. If the Authority under that Clause (whenever that Clause is certainly known) shall be found infirm, the whole Superstructure fails. But upon whatever Principle of Legality the Court stood in its first Institution, it is by no Means clear, that in the present Case these Principles are at all applicable. Its Powers are different; the Number of Judges is different; the Description from which the Judge is taken is different.

It would be highly absurd in Reasoning, and highly dangerous in Practice, to admit, That because a Court was continued under the same Appellation, though a total Change in its System had taken place, it might still be justified upon the Legality of its first Appointment. If this Principle could be supported, the admitting a subordinate Legislature (for such the Governor and Council is, if it be any Legislature at all) to make any one valid Regulation, would involve in it the Means of turning that One into any Regulation whatsoever; by which Means the Controul of the superintending Power, necessary to restrain the Makers of Bye Laws within due Bounds, would be rendered totally nugatory.

That the Court of Sudder Adaulut is different from the former Court of the same Name, and therefore for so much a *new* Court, is evident from Mr. Hastings's Description of it in his Minute.

1<sup>st</sup>. Because the original Court ought to have been a Court of *Appeals*. By this it must be understood to be a Court of Appeals *only*. For no *new* Court can have any Jurisdiction, but what it derives from the Words in its Constitution conveying Jurisdiction. But no Words, giving any other or further Powers than those of Appeals, are found in the original Appointment; and therefore no such Powers as those contained in the Minute by Mr. Hastings, can be valid under that Constitution.

An Attempt to introduce a *new* Court, under the Pretence of filling up a judicial Office in an old one, is an Action highly reprehensible; even supposing the Power of making a new Court to be clearly competent to the Parties claiming it. Yet this oblique Manner of exercising their Powers, is extremely faulty, as it tends to conceal from the superintending Authority the true Nature and Extent of their Act, and as it prevents their considering it with that Attention with which an Institution *with new Powers* is examined, when they are stated as new, and are not supposed to be involved in

in the Construction of such as have been long allowed. Had the Act been proper, the Manner of doing it is calculated to deceive.

2d. The Difference between the Number of Judges in the old and new Court, is material. The Old might have consisted (if the Members should choose to attend) of the whole Council, who amount to Five; at the Time of the original Institution it might have consisted of Twelve; it could not have acted with fewer than *Three* of that Council. This Court is in a *single* Person.

3d. But if that Court were not otherwise new, the total Alteration of the political Character and corporate Description of the Judge, changes its Constitution. The original Court of Sudder Adaulut had for its Judges, the Governor General and Council, in their *public and corporate Capacity*; they are Servants of the *Company*. The present Constitution supercedes *that* corporate Body, and substitutes Sir Elijah Impey, Chief Justice of the Supreme Court, who is a Servant of the *Crown*. In all these respects (setting aside the Consideration of the Salary, which is new, and the attendant Establishment, which are reserved for another Place) the Court of Sudder Adaulut appears to Your Committee to be, in Effect and substantially, a New Court.

Your Committee does not deem it expedient, at the present Time, to report any decided Opinion on the absolute Legality or Illegality of the original Institution of that System of Courts of which the Court of Sudder Adaulut makes a Part. They conceive, that the Authorities under which, and the Capacities in which, British Subjects have exercised Authority in India, have been various at different Times, and not very easily reconcilable with each other at any Time; and that their legal Powers have in no Case been accurately defined; and that their Proceedings have not been inspected and controlled with a proper Degree of Vigilance by any Superintendency in this Kingdom. Therefore, for the Sake of condemning an Arrangement, (which they conceive, for the above Reasons, to be *new*, and which, on Grounds of Laws lately passed, as well as upon the clearest prudential and political Grounds, there may be found more than sufficient Cause to annul) it might perhaps be in some Degree dangerous to make a Declaration, which, by necessary Inference, might tend to shake the Validity of those Foundations, on which the whole Administration of the Country actually rests, until Parliament has collected sufficient Materials for making clear and definitive Provisions upon that delicate Subject.

But your Committee finding that the regulating Act of the 13th of His present Majesty, Ch. 63. seems to be referred to by the Governor General, as furnishing the Authority on which the System of Courts in 1772 (of which the Court of Sudder Adaulut is a Member) have been created; they have perused that Act, and attentively compared it with the late Proceedings of the Governor General and Council. It is not indeed perfectly clear to what Act he refers. But it is presumed to be this. The Regulation establishing the Provincial Courts, was made previous to the passing of the Act of 1773, and he must (if he refers to this Act in Justification of that Establishment) suppose it in some Way, rather to be *ratified* by the Statute, than *made* under its Authority. Without examining therefore, under what other legal Authority the Establishment is or may be supported, Your Committee think it proper thus early in the Session, to lay before the House, their Observations on the Powers given, or supposed to be given, by the Statute of the 13th of the King, Ch. 63. that the House may be enabled to discover whether the Powers given thereby, have been exercised according to the Directions by which they are accompanied; and by a Review of the Powers themselves, may be the better enabled to judge what Alteration, Explanation or Amendment, may be thought necessary to the Act itself.

In this Act, Your Committee find Two principal Clauses, giving Power to the Governor General and Council, namely, the 36th and the 7th Sections. Under these Two alone (as Your Committee apprehend) any Foundation for a legislative Authority can be found in that Act.

Your Committee find, that in the 36th, there are Words conveying subordinate local legislative Powers, to make Bye Laws, with certain Restrictions and Limitations, *viz.* “to make and issue *Rules, Ordinances, and Regulations*, for the good Order and Civil Government of the Company’s Settlements at Fort William, and other *Factories and Places* subordinate, or to be subordinate thereto; “provided they are just and reasonable, and are not repugnant to the Laws of England.”

These are nearly the Terms and the Restrictions with which the Power of making Bye Laws, is granted to Bodies Politic. As to the Extent of this legislative Competence; if this Part of the Act is supposed to be as general as the Words, “*Places subordinate or to be subordinate*,” would imply, it seems to be a Power sufficient for the Purpose, as it extends to make Ordinances to bind the whole Kingdoms of Bengal, Bahar, and Orissa; it therefore may extend to the Power of making *even* a new Court. Whether the new Court of Sudder Adaulut is made upon a Construction of this Section, is unknown, as the Governor General’s Minutes refer to no Part of the Act specifically, nor indeed in a very distinct Manner to the particular Act.

Your Committee are given to understand, that this Power in this Section has been held in the Supreme

preme Court, and is commonly supposed in India, only to relate to certain minute Regulations of the Police, with regard to Calcutta and some other Factories. If this should be considered as the Sense of Parliament in making the Clause, or if it should be thought advisable in future, to confine this Power within these Bounds, it is conceived that it will be necessary to employ much more determinate Words for that Purpose, as the Words of the Act, as they now stand, seem to convey a much larger Authority. Because, if by the Words *subordinate Factories*, those small Pieces of Ground inclosed by slight Fortifications, which were formerly held under very scanty Grants of the *Indian Princes*, be understood, few of them are at all existing in this ancient State; and the Application of Ordinances and Regulations for the good Order of Civil Government of those Places, several of which are little more than private Dwellings or Warehouses, would be unworthy of the Gravity of a Law, or of a judicial Construction. If *Factories* be taken in a larger Sense, and extend to all the Places in which the Company has *Factories*, that is, Agents to buy and sell, it comprehends several great Cities, and their adjacent Districts; and indeed, in one Way or other, almost, if not altogether, the whole Kingdoms of Bengal, Bahar, and Orissa, excepting in what relates to Calcutta. The Competence given in the Words, “Forts, Factories, and Places subordinate, or to be subordinate to,” either means this, or it means nothing.

This Sense gives a large Scope to the Legislative Competence of the Council; but it is utterly inconsistent with the Opinion that prevails, of its being confined to the Enclosure of what was formerly called a *Factory*.

It is not impossible, in the unformed State in which the British Authority stood in Bengal at the Time when this Act was under Consideration, and during the Disputes with the Company which then subsisted, that Parliament, on one Hand, was unwilling to leave the Council wholly without regulating Powers; and on the other, chose to use the old Language of Acts of Parliament, concerning the Possessions of the Company, which were generally in Acts and Charters described by the Names of *Forts and Factories*, before the Acquisition of such large territorial Possessions, as have been lately acquired. Parliament was probably desirous to avoid any Thing which might lead to an Acknowledgment of a full Right in the Company to those Possessions at large. They were also not disposed to make any clear Declaration of what might amount, on the Part either of the Crown or of the Company, to a direct and avowed Superfeding of the ancient Country Powers and Authorities. This doubtful State of Things produced an Ambiguity, visible in other Instances as well as in this; and which, in this Instance, it will be certainly advisable to remove, by Provisions more explicit in a new Statute.

If the Formation of the Court of Sudder Adaulut for Sir Elijah Impey, was made in virtue of any Authority derived from *this* Section of the Act of 1773, Your Committee observe, that the Directions of that Act necessary to give Validity to the Ordinances of the Council, have been observed in no one Particular.

The Act provides, First, That the Ordinance, Regulation, &c. shall not be valid, until it is “duly registered and published in the Supreme Court, and with the *Consent and Approbation* of the same.” Secondly, That such Ordinance, Regulation, &c. “shall be openly published, and a Copy of it affixed in some open and conspicuous Part of the Court, where the Supreme Court is held.” Thirdly, The Act provides an Appeal from the Regulations, &c. to His Majesty in Council, “within Sixty Days from Publication, for *any Person or Persons* in India; or for *any Person or Persons* in England, within Sixty Days from publishing them in England.”

These Directions were not observed in the Appointment of this Court. First, The Ordinance ought to have been a formal Act or Instrument, such as might be published and registered. The present Arrangement was nothing more than a Minute of Council, (if regularly it was even that) never published in the Supreme Court, nor registered, nor consented to, or approved thereby; and consequently (so far as it is grounded on this Clause) is without Question invalid and illegal.—Secondly, Every Person in India and in England, has, under the Statute, an *Interest* in every new Regulation, and has a Remedy provided for him. This Omission of Publication would wholly take away the Benefit of Appeal from all British Subjects, to whom the Act has expressly given it.—Thirdly, By the Act, these Ordinances are to be transmitted to a Secretary of State, and if not abrogated within Two Years from the *making*, &c. shall be valid. The Clause is express for the *Time* which gives *Validity*; but not for the Transmission. This may seem a Defect in the Act; but, undoubtedly, the Sense of the Statute is, that every Ordinance should be transmitted as *speedily as possible*. When a Time is not limited in a Law, a Time *convenient* must be understood. Fifteen Months are past, since the Proposition of this Court in Council, and upwards of Fourteen from the Acceptance of the Chief Justice. Many Messengers are arrived, and no Copy of the Ordinance (if any Ordinance at all was made) is transmitted. The Two Years may expire before His Majesty has the Notice of it, which the Act directs; and the Prerogative of the Crown, given by this Act to His Majesty, may be thus defeated.

The other enabling Part of the Act of the 13th of the King, is contained in the 7th Section. In this Section, if the *Letter* is attended to, the Powers are large indeed. It is however, observable, that



that no one Term, appropriated in Charters or Acts of Parliament for enabling a Body Corporate to make Laws and Regulations, is found in that Section. Words proper for conveying the largest Powers of *Administration* are used; not one for *Legislation*.

The Clause begins with the Words "For the better *Management*, &c." Then the following Words are used "The whole *civil* and *military* Government of the said Presidency, and also the " *Ordering, Management, and Government* of all the Territorial Revenues and Acquisitions in the " Kingdoms of Bengal, Bahar, and Orissa." These Words are all Words of Administration.

The Direction and Qualification of these Powers is as follows; "in *like Manner to all Intents and Purposes* whatsoever, as the same *now are* or at *any Time* heretofore *might have been* exercised by " the President and Council, or Select Committee, in those Kingdoms."

Your Committee conceive, that no Power can be rendered legal by Reference to mere Actions, without any moral Qualification, and much less to the mere *Possibilities* of Action in any Person. To the Words "*now are* exercised, or *might have* exercised," Construction must, without Doubt, supply the Words *lawfully* otherwise every conceivable Abuse might be not only ratified for the Time past, but authorized in future, by an Act of Parliament conferring, in Effect, on the Governor General and Council, a Power of doing what they thought fit.

Two Reasons have been suggested for supposing this Power here authorized, to be unbounded, and therefore of course, to comprehend a legislative Capacity. First, It has been suggested, that the Company has succeeded to the Authority of the *Subadar* of that Province, who was a Prince exercising arbitrary Powers, unlimited by any Law; and that whatever he *had* done, or *might have* done, that became the Rule of what the President and Council might do.—In the Apprehension of Your Committee, such a Rule, is to have no Rule; nor can it be supposed that Parliament did, or could intend to appoint the actual Conduct, much less the possible Exercise of Power, by a Mahomedan, arbitrary Usurper (as the Subadar certainly was, if he affected to be an independent Sovereign) as a Standard of Legality for the Actions of British Subjects. If such Powers do or can lawfully exist, they may in Time be used for the Purposes to which they were formerly applied by some of the Subadars of Bengal, Independence and Oppression. It therefore becomes the more necessary, that Parliament should suffer no Doubt to remain upon the true Extent of the Powers which are supposed to be given by Words so loose and indefinite, as what Power has or might have been "exercised."

Your Committee conceive, that it is a great Error to imagine, that the People of those Countries lived without any fixed Law before the British Establishment. The Mahomedans were subject to the Mahomedan Law, as it is found in the Book called Alcoran, and its authorized Interpreters; and all Persons, from the lowest Slave to the most powerful Prince, was bound by it. Their Judges and Magistrates were also bound to observe, and to judge by, the *Reâje ul Mulk*, or ancient Custom and Usages, or Common Law of the Country, where it was not absolutely repugnant to the former. Certain Persons called *Canongés*, were appointed for the Ascertainment of that Usage; and to preserve their Integrity and Independence, they held their Office for Life, by Patent immediately from the Superior Authority, and not from the Governors of the Province. A Breach of those Laws would have formed a just Subject of Complaint and Punishment against any Mahomedan Governor. The Exorbitance of Power in Bengal, arose from the Want of Means of coercing the Mahomedan Governors, by Institutions of Strength on the Part of the Subject, and from their Independence of the Supreme Power, never asserted as of Right, but for a long Time in fact existing. Acts of any Governor beyond the Laws, or contrary to them, were abusive; and Acts of Abuse can never be made the Standard of Legality.

That a Body of Law existed for the Gentû Inhabitants, is certain; and Mr. Hastings has the Merit of bringing that to the View of the Public, by causing very material Abstracts from it to be translated. The Gentûs have also their Professors in that Science, who, as it appears in Evidence to Your Committee, are Persons highly revered by the Natives, on Account of their Learning and Integrity of Life.

The Second Reason for supposing the Act meant to ratify arbitrary Power in general Words, is, That the British Power in Bengal had arisen from Conquest; and that absolute Conquest putting an End to all Laws, Rights, and Privileges, the Governor General and Council exercised a Power, from the Nature of the Case unlimited; and this is the Power alluded to in the above Suggestion, as ratified by the Act.

Your Committee find the Question of the Rights derived from Conquest in the Abstract, dark and arduous. But they are unwilling to believe, that Parliament ever intended to act upon a Supposition of the utter Extinction of all the original Laws and Rights of the Natives. If any such Conquest, attended with such Consequences, has happened, it is not to be presumed, that on a Supposition that so formidable Power did thereby vest in the Company, it would have been transferred by Parliament, without Bounds, to the Company's Servants.—If it vested in the Public, it

is not to be supposed that Parliament should part with the high Sovereign Members of such a Power out of their own Hands.

But your Committee observe, that formally and in Style, the Company do not act as a Sovereign deriving a Title from absolute and unconditional Conquest, whatever Right such a Title may be supposed to confer. They have accepted by Treaty, from the ancient sovereign Power of that Country, a Patent, under which they act as Dûan, or Administrator of Civil Justice and of the Revenues. By accepting that Office, they accepted the Duties inseparable from it; which were undoubtedly to protect the People committed to their Charge, in all their Possessions, moveable and immoveable, and in all their Rights, religious and civil. The Acceptance of this Instrument was virtually a Convention entered into in Favour of the Natives, then delivered over to the Government of British Subjects; who, as such, are bound to be obedient to Acts of Parliament, wherever the Power of this Kingdom prevails, as Parliament will consider itself as bound to observe the Conventions under which Rights are acquired to the Nation, or any Part of it. As this Office of Dûan, was not only accepted but solicited, and solicited and accepted at the Head of victorious Armies, it became much the more binding; because no Pretence could be made on the Part of the British Agents, that it was not an Act altogether voluntary. As therefore the Office of Dûan did not confer any boundless arbitrary Powers, when held under the ancient Sovereign, neither can it, when held under the Controul of another Sovereign; and it can never be a fair or safe Construction of an Act of Parliament, to suppose that *any general* Words, conveying a Right to exercise Authority, were intended to convey a Power repugnant to the Compact implied in the Instrument under which alone the Means of exercising any Authority at all have been acquired; a Compact by which many Millions of People have come under the Protection of this Kingdom.

The indirect Authority which may arise from Influence over the native Magistrates in high Place, as it never can be estimated by any legal Standard, so it never could be the Object of the Act; so that the President and Council never did, and the Governor General and Council never can, exercise as of Right, those unlimited, executive, judicial, and legislative Powers, which have been contended for under the Act of 1773.

It would be the more mischievous to admit this infinite Authority under the 7th Section of the Act of the 13th of the King, because the Provisions necessary to prevent Abuse of Powers given in the 30th Section of the same Act, do not at all apply to the Powers given in this Part: There is the greater Room for concluding them not to be originally in any Degree legislative, because it would be absurd to suppose, that Parliament should be so extremely sedulous in its precautionary Provisions against the Abuse of petty Regulations of Police, exercised within a very narrow Circuit, whilst it authorized without any Sort of Controul a boundless Exercise of legislative Power throughout the whole Extent of the British Possessions, present or future, in that Part of India.

Your Committee observe, that if the Governor General and Council could be justified in the Arrangement, under the largest Construction of these general Powers; yet it does not appear that they have conformed to the Directions necessary to give Validity to any of their Actions, when judged by that Statute; for in the next Section, that is, in the 8th, it is enacted as follows, “ That in *all Cases whatsoever* wherein *any* Difference of Opinion shall arise upon *any* Question proposed in *any* Consultation, the said Governor General and Council shall be bound and concluded by the Opinion “ and Decision of the Major Part of *those present*.”

Your Committee find, that a Difference of Opinion did arise; and the Minute of this Appointment was handed about to the Houses of the several Members, in what they call Circulation, but was never brought into the Council at all, and therefore never debated Face to Face, or decided by any Majority of the Persons present.

Mr. Francis being examined to this Point, admits this Mode of Proceeding to be against Law. But says, that in many Cases, particularly when the Ships are on the Point of Departure for Europe, it is impossible, consistently with the Nature of their Business, formed often of a great Number of minute Particulars, to have every Matter on which a Difference may arise, settled in Council as the Act directs.

Your Committee are of Opinion, That the most dangerous Consequences might arise from suffering the Council to obey or disobey a positive Law, according to their Ideas of Convenience. But this Mode of transacting Business, contrary to the essential Nature of every Council, and of every deliberative Act, leads so directly to the Encouragement of dark Cabals, and of insidious Practices to seduce the Opinions of Counsellors, that if it were not against the clear and express Provisions of an Act of Parliament, it must be considered, in itself, as wholly irregular and unjustifiable.

It is possible that the Offence of acting in this Manner may admit of considerable Alleviation, from the Nature of the Business to be done. But so solemn an Act as the Establishment of such a Court, with such immense Powers, can never be excused or palliated, by any Idea of Minuteness of Object, or of necessary Haste in attaining it.

The House will probably find it adviseable to limit the Directions of the Act of Parliament, for collecting the Sense of the Council, to such Things as are most essential; leaving others to be transacted at the Discretion of the Governor General and Council. By such a Method, on the one Hand, Business may not be obstructed by useless Formality; and on the other, a Stop may be put to that most dangerous Practice of occasional Dispensation with Acts of Parliament; which at First beginning probably in lighter Concerns, has already, in so short a Time as since 1773, been extended to the highest Acts of legislative Authority.

Your Committee, having reflected on the Exercise of these high legislative Powers by the Governor General and Council, and weighed the Conveniencies and Inconveniencies on both Sides, recommend it to the serious Consideration of the House, if any such Powers do by Law exist, whether those, and others equally liable to Abuse, should be permitted to remain in that Board, constituted as it is.

The whole Body now acting as Legislator in Bengal, consists, at most, but of *Five* Persons; upon Difference of Opinion, their Acts are but the Sense of *Three*; by not unfrequent Absences, *Two* may decide; and if but *Two* are present, which is sometimes the Case, the First in Rank, having a Double Vote, the whole Power is virtually in *One*. The Arrangement for Sir Elijah Impey was approved by *Two* only; and though formally it was the Act of the whole *Four*, in Substance was that of no larger Number. If to the Consideration of the Smallness of Number, be added that of the Manner of collecting Opinions, in what is called Circulation, that is, without Debate, Discussion, or personal Conference, this Power in these Hands, and so exercised, will appear in a Light truly serious. So small a Body was probably never known to be vested with legislative Powers, in a subordinate Capacity, under any Form of Government. Your Committee therefore recommend, whether it would not be proper, that no considerable Alteration shall be made by the Governor General and Council, or any Authority derived from them, in the Administration of the Public Affairs, whether in the Rules of Law, or in the Form of Judicial Institutions, or in the Tenure of Landed Property, or in the *Mode* of collecting the Revenues, or in the Imposition of new Taxes, or in the Creation of new Civil Offices, or in the Increase of Emoluments to those already created (exceeding a small Sum to be settled) without a Publication in the Supreme Court at Calcutta, of the specific Instrument by which such Acts are intended to be done; which Instrument shall be transmitted to the Court of Directors, and shall not be of any Force or Effect until it be sent back with such Alterations and Amendments as shall seem necessary by a General Court of the East India Company, and by His Majesty in Council.

The Source of many Grievances and many Corruptions, lies in the bold Licence of the Company's Servants, in shaking ancient Establishments, in lightly adopting new Projects, which give Place to others, when the irregular Motives which originally created them, appear to require their Destruction. The Powers thus to be restrained, Your Committee conceive not to be among the political Powers which require an immediate Proceeding on the Spot; and perhaps more Advantage is derived from Delay in the Execution of new Projects, and in the Grant of new Emoluments, than Mischief is to be apprehended from holding any of them under a very long Deliberation. Experience has shewn, that it is more adviseable to have the Principles of those Regulations well discussed, before they are adopted, than to take the Means of Remedy after they are made and fully executed.

1st, Because if the Provisions concerning Regulation, as they stand in the Act of 1773, were to be applied to them, the Power given to the King and Council is only to annul *in toto*, and not to modify or correct. By which Omission, an Ordinance, evil in many Respects, may be suffered to remain, upon account of some plausible, or really good Part, which it is not adviseable to change; and it is not difficult to construct in this Manner the most exceptionable Regulations.

2dly, Because bad Regulations being very frequently made for bad Purposes, which are for the most Part temporary and personal, all the Ends of such a Regulation are answered, and most of its Mischiefs produced, before it can be annulled by any Authority in this Kingdom.

3dly, The annulling the Regulation, if it operates retrospectively, may dangerously alter the Condition of Individuals, who may derive Titles under it. If only prospective, it leaves Individuals the Mortification of having suffered under an Ordinance, which the ultimate Authority has considered as unfit to be made.

4thly, The Act of the 13th of the King is only enabling, that is, to make Regulations; but not directory, with regard to what shall or shall not be the proper Subject of this Power; by which Defect, whether through Inadvertence or Design, it is to be feared that many Things have been done as Acts of Administration, which were in Reality Acts of Regulation; and thereby the Provisions in the Act, to prevent Abuse in making Ordinances and Regulations, have been entirely frustrated.

5thly, The Inconvenience from their Assumption of this Legislative Power, exercised under the Form and Manner of an Act of Administration, strongly appeared in the Case now before Your Committee. For whilst the Disputes between the Supreme Court and the Council General were under

the Consideration of Parliament, the Council has undertaken, by an Act of its own, to appoint a Court upon Principles totally different from those established in the Act of Parliament. It is not difficult to discern the Confusion into which such a Power, so exercised, must involve all Authorities from the highest to the lowest.

The Governor General and Council, from their local and official Situation, are very fit to suggest, but very unfit, for many Reasons, to be the sole Makers of Laws and Regulations, or Disposers of Revenues to the private Emolument of any Person.

Your Committee having observed, as they conceive, fully on the Nature of the Powers claimed or assumed by the Governor General and Council, and on the Authority from which they are supposed to originate, and having suggested their Ideas of Correctives and Directions to that Authority, proceed to take into Consideration how far the Office given under that Authority to Sir Elijah Impey, may be affected by the Salary annexed; and how far the Legality of the Proceeding may be justified, under the Act of the 13th of the King.

In the Act of the 13th of the King, Your Committee find that the Salaries of the Judges are qualified by the Description of "certain and established;" and the Governor General and Council, and the Judges of the Supreme Court, are forbidden to receive, over and above those Salaries, "any Present, Gift, Gratuity, or Reward." The Salaries of the Judges, and the Governor General and Council, are further declared to be "in Lieu of all Fees of Office, Perquisites, *Emoluments*, or *Advantages* whatsoever." In consequence, they are forbidden to take them in *any Manner, or on any Account or Pretence whatsoever*. The same Principle is laid down in the Charter of Justice, so far as it regards the Judges, with a Reference to the Act.

The Act, it is true, does not in express Words and specifically prohibit either the Judges or the Governor General and Council from receiving the same Emoluments, which are forbidden in general Terms, in the Way of Salary for the Execution of *other* Offices: but Your Committee are of Opinion, that the Judges, or the Governor General and Members of the Council General, in taking such additional Profits, under Colour of other Offices, act clearly against the Spirit of the Statute, and frustrate the good Purposes of the Legislature in appointing *fixed Salaries* to their several Offices. The Words of the Act which prohibit the taking of further Emoluments, are no stronger where they relate to the Council, than where they relate to the Judges; and the Prohibition to both is sometimes combined together in the same Clause. The Chief Justice, by his Acceptance of this Employment and Salary, has given an Opinion, and an Example, under which the Members of the Council may distribute among one another, as many of the Offices of their Establishment as they think fit, and may annex to all those Offices such Salaries as are agreeable to their Desires. It is not necessary to point out the Door which this Practice lays open to Avarice, Rapacity, and Monopoly, and how it tends to render the Governor General and Council the Rivals and Competitors of the junior Servants, whom it is their Duty to protect, and to forward according to their Deserts.

If the Duties of the Supreme Court are light and trivial, an Establishment of so little Utility, and so vast an Expence, ought to be abrogated. If the additional Offices have a Duty, they interfere with the Duties of the Court: If they have no Duty, their Existence is an Abuse. It does not appear, that the Salaries of the Judges have been settled upon narrow and illiberal Principles. If they shall be found insufficient, they ought to be increased *by Parliament*; but the Judges ought not to be permitted to make them up, by oblique Means, to the Standard of their own Desires. For this indefinite Capacity of taking Emoluments, not only renders the Judges dependent through the Offices, which they have actually obtained; but through those, which they may even afterwards wish to obtain, and leaves no Bound to Influence. Thus the Dependence of the Judges on the Crown, which appoints them, is limited, and cannot be increased but by Act of Parliament;—their Dependence on the Company, or rather the Company's Servants, is infinite; as the Salaries to their new Offices may be raised, and the Offices themselves multiplied without any Limit.

The Chief Justice seemed formerly to have entertained Ideas of the Independence of the King's Judges, and of the Limitation of their Views to the Salaries of their Office under the Crown, very different from those under which he accepted an Office and a large Salary during the Pleasure of certain of the Company's Servants, and with an Obligation to yield Obedience to all their present and future Regulations. In a Letter written to the Court of Directors, signed by him and the other Judges, and dated the 14th of September 1776, he expresses no small Uneasiness on some Orders given by the Court of Directors, which prevented the easy Remittance of the Whole of the Savings from the Judges Salaries, at the just Value in England; and stating, that the Governor General and Council had been in that Point as liberal as he could expect. He adds, "But had they been still more so, we again submit to your honourable Board the Impropriety of its being left to the Discretion of your Government here, whether the Members of a Court of Justice shall or shall not have the Enjoyment in England of such Savings, as they are able to make in Bengal. *The Influence which it tends to create, and its Consequences, are of a Nature so degrading to the King's Judges, and*" may

“ *may be so subversive of Justice, that we hoped the least Surmise of it would be sufficient to procure an effectual Redress against it.*”

He was so very delicate and scrupulous, that the mere mercantile Accommodation of a Remittance and that only from the *Savings* of the Salary appointed by Parliament, which he supposed had a Tendency to create Influence in the Company's Servants, was so uneasy to him, that the whole Letter is a strong Demand and Remonstrance of Right on the Subject. In Addition to the above Reasons, and others explained at large, he enforces the Justice of his Demand, by laying open his Opinion with regard to the Limitation of the Views of the Judges, and their Difference in that Respect, from the Company's Servants:—“ Some of them (the Company's Servants) are *dependant* “ on you for *Offices*, which they hold in Possession or Reversion, or for *other Emoluments granted* “ and *revokable by you*, which may give reasonable *Expectations of the like to the rest*. We have “ *nothing more to depend on than our Salaries*. We must be obliged to insist on our Rights. “ We can have *no Means* of acquiring Property, other than *our Salaries*; we therefore can remit “ only our *Savings* out of *them*. We hold *no other Offices*, we receive *no other Emolument from* “ *you*.”—These were, at that Time, the Sentiments of the Chief Justice, expressing in a clear Language a sound Opinion.

Your Committee, agreeing with the Sentiments against the Practice of the Chief Justice, are decidedly of Opinion, that nothing can prevent the Supreme Court from becoming a Grievance of the heaviest Kind, instead of a real Benefit to the native Inhabitants, but the keeping of the Judges in a State of absolute Separation from, and entire Independence, directly and indirectly, of the Company's Servants.

The next Matter which Your Committee recommends to the Consideration of the House, is the Tendency of this Transaction to the Benefit or Prejudice of the Natives of India, and the Security and Advantage of British Government in that Part of the World. And here Your Committee have the Satisfaction to find, in the Course of their Examination, that these Interests are, in Effect, one and the same. There is nothing which can strengthen the just Authority of Great Britain in India, which does not nearly, if not altogether, in the same Proportion, tend to the Relief of the People; and nothing, which renders those, who exercise the subordinate Trusts of Power, less responsible, or less obedient to the Government from whence that Power is derived (whether this be effected by Compromise, Cabal, Connivance, or Connection, either there or here) which does not tend to depress the Minds, and destroy the Prosperity, of the Natives.

The manifest Tendency of this Transaction, in all its Views, is, “ to render Complaint to the Sovereign Power of the State unsafe and ineffectual.”

This Resort to an higher Power, of great Consequence in all Civil Society, is the only Resource of a People, unfurnished with independent Privileges, or Means of popular Controul upon its Magistrates. Whatever, therefore, tends to make the Resort to this Protection a Matter of Difficulty and Danger, goes to the direct Destruction of the Natives of India.

These Natives had been encouraged by the supreme executive Powers of the Country, to complain of the Supreme Court of Judicature; and not only to complain, but they were authorized, and even actually called upon, to resist the Process of that Court, as highly injurious to Government itself. They had scarcely sent off the Complaint, when they beheld the principal acting Person in that Government, delivering them up to the arbitrary Discretion of the principal acting Person in that Court.

On the other Hand, those of the Natives, who had given Credit to Sir Elijah Impey's frequent Declarations, that the Supreme Court was instituted for their Protection against the powerful Servants of the Company, and had, on that Ground, acted so as to incur the Displeasure of the Governor General, now see the First Judge of that Court accept a great judicial Office from the Hands of the chief Servant of the Company, and thereby becoming dependent upon those, against whom the Natives were taught to believe he was intended, on their Part, as an uninfluenced and a powerful Controul.

2. This Arrangement has also an evil Aspect on the Authority and Credit of the Supreme Court. The younger Judges must feel themselves abandoned by their Chief; and, it is to be feared, that in consequence of it, One of these Two Events will happen; either that they will neglect their Functions in Despair, and thus the Court will become (if already it has not become) an useless Incumbrance on the Revenues of Bengal; or, what would be worse, that these Judges, taught by the successful Example of their Chief, may, by the Renewal of a vexatious Exertion of their remaining Powers, put themselves into a Posture of compounding the Disputes between the Government and the Court, by obtaining lucrative Employments for themselves.

Its ill Effect on the Practitioners in that Court must also be considerable. The Chief Justice had adopted and transmitted a Complaint, on the Part of the Attornies of Calcutta, representing the Loss, which they must inevitably suffer, by the Reduction of Business in that Court, as very grievous. He stated that Business as then reduced by One Third, and he declared his Apprehensions of its shortly being



being reduced to little or nothing. Major Scott has established the Sagacity of his Predictions, and informed this Committee, that several of the Practitioners in that Court were obliged to abandon their Profession, and to betake themselves to a military Life. If this had been foreseen, or had happened from the Cessation of a litigious Spirit, the Complaint would have been indecent; but if from the total Loss of the Authority of a necessary Court, the Person who made the Complaint ought not, by any Act of his, to have contributed to a Loss, which, in its Consequences, involved the Ruin of those whom he affected, and whom it was his Duty, as far as Reason and Justice went, to take under his particular Protection.

3. Those Members of the Council, who had engaged in strong Measures, in Concurrence with their Principal, and had been in the same Manner abandoned, and their Adversary placed by their Associate in an Office of the greatest Power and Emolument, may as probably become fearful or indifferent in asserting the Rights of the Company in future; or may take the Turn of compounding their Duties, according to the Mode established.

With regard to the Provincial Courts now submitted to Sir Elijah Impey's Controul, his Opinion of them is, that " they are *planned* on wise Principles, but so perverted in their *Execution*, as to be " the greatest Instruments of *Oppression* which the *miserable* Inhabitants of the Country labour under." As those Courts, so stated to be abused, and at that very Time abused, are in the Hands of the subordinate Servants of the Company, and this Opinion, if not always perfectly known to Mr. Hastings, must of Necessity become Public; Mr. Hastings must appear, either to have placed at the Head of these Courts Servants so ill-disposed, that no mere Power of Revision could sufficiently guard against their evil Practices; or, if he thought them innocent, must have placed over them their Accuser as their Judge, and one, who, even to justify his own unretracted Charge, would naturally be an harsh Censor of all their Actions, and a prejudiced Re-hearer of all their Judgments. The Company's Servants will not appear, in this Transaction, to be either justly coerced, or kindly protected, by Mr. Hastings. The respectful Subordination, so necessary to this Service, must be greatly impaired.

4. The British Inhabitants, who, concurring with the Governor General, were of Opinion that the Chief Justice had made an excessive Use of his Power in the Supreme Court, see him now invested by their Governor and Fellow Complainant with new and far greater Powers than those which they had stated him to Parliament as having abused. It appears in Evidence, that they are much discontented with this Arrangement; and it is impossible that it should not operate as a great Discouragement to any Exertion of theirs, either in their own Favour, or in that of others.

And Your Committee are of Opinion, That the Protection of British Subjects, thus deserted in their Complaints, is no trivial Matter, as, on Account of the comparative Smallness of their Numbers, it might appear; for it is through the Means of the Humanity, Courage, and Fidelity of those British Subjects, especially through the Courage and Fidelity of those who profess the Law as Counsel or Attornies, that a Complaint of the Natives can come before any Power in Great Britain, capable of affording Redress to their Grievances.

The Case of Mr. North Naylor, Attorney to the Company, is of itself sufficient to render all such Complaints, in future, an Affair of the extremest Hazard. Mr. Naylor, who appears to have been a Person of considerable Industry and Abilities, was employed by the Governor General and Council to defend that Board, and some Persons of Distinction amongst the Natives, against the late Suits in the Supreme Court. The Supreme Court attached Mr. Naylor for a Contempt, on Account of some Steps he had taken, under the Direction, and in Favour of, his Clients; and on his Refusal to answer a Series of Interrogatories (in which Refusal he was supported by his Clients) he was detained in the Common Gaol of Calcutta, a miserable and pestilential Place, upwards of a Month. For these Interrogatories, which Your Committee conceive to be in many Parts wholly unjustifiable, they refer to their Report of last Session, and to the Cossijurah Appendix to that Report, N<sup>o</sup> 23.

Mr. Naylor, who was in no good State of Health at the Time of this rigorous Imprisonment, and having had, during its Continuance, some Family Misfortunes, died soon after his Release upon Bail; his Death being, in all Probability, hastened, if not caused, by his Sufferings under Confinement. The Council, indeed, considered, that whatever the final Judgment of the Court might be, Mr. Naylor could not, after his suffering Imprisonment, and the Disgrace he had undergone, serve the Company any longer as Commissioner of Law Suits, and Attorney on Record; therefore conferred on him, as some Retribution, the Place of Register of the Court of Sudder Dewannee Adaulut, which they then revived, with a Salary equal to that of his other Offices. Whether that Place could be a full Compensation for the whole of his Losses, does not appear: He did not live to make the Experiment: For his Imprisonment and Disgrace, it was none.

The Governor General and Council, instead of effectually pursuing their Complaint to obtain Reparation for Mr. Naylor's Character, and Justice for his Sufferings, in Effect have passed Judgment both on Mr. Naylor's Conduct and their own, by rewarding the Author of Mr. Naylor's Sufferings, and the Object of their own Accusation. Nothing has been done towards obtaining any Security for those, who might venture hereafter to serve the Company in their Law Affairs; the whole Transaction leaving

leaving a memorable Example to Natives, to British Subjects, and to Practitioners in the Courts, to deter them from asserting any public or private Right in Course of English Law; since a Person, conversant in that Law, acting under the highest Powers of that Country, had suffered so grievously (it may be even to Death) for supporting a Cause of the Natives, patronized by Government.

Your Committee, considering the Safety of Complaint as the Foundation of all Redress to Grievances, find themselves indispensably obliged to call the serious Attention of the House to the Case referred to in their Report of last Session, p. 59; namely, the Case of the Rajah Nundcomar.

A Native of the highest Rank, and of an Order reputed sacred throughout India, was capitally executed in the City of Calcutta, with Circumstances the most shocking to the Prejudices of that People, and which conveyed, according to those Prejudices, the Idea of Offence and Insult to all Classes of Men. The Crime, for which this Native was thus executed, namely, that of Forgery, is not capital by the Laws of that Country; though, by a Statute made within this Century, it has been made so in England. The criminal Fact alleged was at that Time, and had long been, in a Course of Examination in a Civil Suit, the Event of which was to be decided by the Authenticity of the Instrument said to have been forged. In so extraordinary a Case, the Execution of the Sentence might and ought to have been respited, until His Majesty's Pleasure should be known. The Omission of such Respite is the more to be noticed, because the Chief Justice, in his Letter to the Earl of Rochford, of the 25th of March 1775, complains, that "he had always felt great Inconveniencies from "being obliged to inflict upon Offenders the same Punishments which are inflicted in England for the "same Offences." His First Instance is in the Application of the Law of capital Punishments. He certainly had it in his Power to respite the Sentence.

The Circumstance, which brings this Omission Home to the Point at present under the Observation of Your Committee, is this; that the Rajah, thus denied a Respite, was, at the very Time of his Apprehension, under the Protection of the Council, in the Midst of his Evidence against Mr. Hastings, the Governor General, on a Charge of Peculation and Abuse of his Office, in taking Money from the Natives.

Your Committee has received it in Evidence, that this Trial and Execution was looked upon by many of the Natives as political; nor does the Committee conceive it possible, that, combining all the Circumstances together, they should look upon it in the Light of a common judicial Proceeding; but must regard it as a political Measure, the Tendency of which is, to make the Natives feel the extreme Hazard of accusing, or even giving Evidence of corrupt Practices against any British Subject in Station, even though supported by other British Subjects of equal Rank and Authority. It will be rather a Mockery, than a Relief to the Natives, to see Channels of Justice opened to them, at their great Charge, both in the Institution and in the Use, and then Appeals, still more expensive, carefully provided for them, when, at the same Time, Practices are countenanced, which render the Resort to those Remedies far more dangerous than a patient Endurance of Oppression, under which they may labour.

Your Committee find, from their Enquiry, that the Natives, who are Men of Business, and who have Trust, or seek to be in Trust with Europeans, are, by Habit and Education, reserved and timid, patient and dissembling, not disposed publicly to complain of Abuse, or openly to resent Injury; and much less to bring to Light any Fraud, Extortion, or Peculation; and that, though litigious with their Equals, they are disposed to seek Refuge against the Abuses of Station, rather in low Intrigues, and the miserable Arts and Subterfuges of Servitude, than in a manly Assertion of their Rights, before an Authority enabled by Power, and bound by Duty, to relieve them. It is much to be apprehended, that they may find it more eligible to compound with the Rapacity of the Officer next above them, than to involve themselves in a doubtful, intricate, and distant Course of Redress, which, calling in new Powers, less understood, and as expensive as the First were rapacious, will only serve to vary and to aggravate their Vexations, rendering, in the End, the Pursuit of Remedy for some partial Grievance, the Means of their total Ruin. Others, seeing no Redress obtainable by fair and legal Courses, will secure Protection and Profit by becoming Instruments in the Oppressions of their Fellow Citizens; and it is to be apprehended, that it will inevitably grow into a Principle both of false Honour and real Policy, in Persons engaged in these criminal Trusts, to conceal every Act of Extortion, to which they are bound to submit, as well as every Corruption and Oppression, in which they are concerned. The Natives will be thus confirmed in all their evil Habits; and the Europeans, by being brought themselves into the same Condition, which produced those Habits in others, instead of improving the Natives by the Boldness and Openness of European Manners, will themselves be led gradually into the Refinement, Mystery, Dissimulation, and Prevarication of Indian Banians and Gomastahs. By this Means, such an Obscurity and Confusion will be spread (and is indeed already growing) over all the Transactions of that Country, that no Sagacity will be able to penetrate into Abuses, nor any Power be sufficient to convict them.

These Mischiefs being the direct Result of the late Transactions at Calcutta, in which the leading Persons have mutually abandoned their Principles, their Associates, and their Dependents, all Trust in any Branch of Government is dissolved; and it is the Opinion of this Committee, that, if an effectual Proceeding be not speedily adopted by the House, and persevered in with a Constancy equal to that with which some Persons in Bengal have persevered in their Practices, Parliament has received the last Complaint of Grievance from India.

The Manner in which Intelligence of Proceedings in India is communicated to Europe, comes under the last general Head of the present Report. Your Committee are of Opinion, that the Governor General and Council (and Judges, where they are concerned) should be compelled to an ingenuous and candid Statement of the Case, on which any proposed Regulation is to be made; and that they should be obliged to expose the Whole of their Design together, in One Piece, without which, it will be impossible to form a true Judgment on its Merits. The Mode of Transmission, in the present Case, has been found so extremely improper, that, if a more clear and ingenuous Method of Communication is not secured, all Plans of Reformation in India must be defeated.

In the First Proposition of Sir Elijah Impey's Office to the Members of Council, no Mention was made, or even hinted at, of any Salary. On that State, it was carried in the Consultation; in that State it was accepted by Sir Elijah Impey; and in that State (so far as the private Dispatch brought by Mr. Shakespeare, who arrived on or before the 2d of July last, gave any Account of the Proceedings) it was at first transmitted to Great Britain.

The First Dispatch which arrived in England, was not directed to the Court of Directors; but came from the Governor General, as a private Communication to the Chairman of the East India Company. The Chairman caused it to be privately communicated to Persons in high Office very soon after its Arrival; but held it back from the Court of Directors, as not being regularly authenticated, until the 24th of October, although he had laid before them other Papers, of not greater formal Authenticity, and which had been received by the very same Conveyance.

Whether the Arrival of the private Dispatch brought by Mr. Shakespeare, so long before that addressed to the Court of Directors (the Two having been sent in Ships which sailed at the same Time) was in consequence of Orders to pursue the Means fittest for giving the private Dispatch the Start of the public, or has happened by mere Accident, Your Committee cannot determine; but they think themselves obliged to point it out in this Place.

In India, the Scheme having proceeded thus far, and the Governor General having first secured the main Question for the Appointment, in due Time proposes the Salary; but, on the Prospect of Opposition from Mr. Wheler and Mr. Francis, Sir Eyre Coote being absent, the Matter is suffered to lie dormant: Mr. Francis being departed, and Mr. Wheler left unsupported, the Proposal of the Salary was, as Your Committee have Reason to believe, from undoubted Evidence, renewed, and of course carried.

The Establishment of the Salary was made on the 6th of January, and Mr. Scott departed with Dispatches to the Company from Mr. Hastings, and with his Powers as Agent, to defend his Proceedings, on the 9th of the same Month; but no public official Account of that Salary has been transmitted, or at least laid before the Directors; though they have so little Reason to doubt the Fact, that they have stated it as a Part of the Case laid before Council.

These several Members of the Design came to Europe, not only separate, but each Part comes at first in the Shape of private Intelligence.

Mr. Hastings, in sending an Agent to Great Britain, to explain a Conduct which stood so much in Need of Explanation, has in this Respect done his Duty. Major Scott, his Agent, is also his Aid de Camp and private Secretary. He is a Person in Confidence, and declares himself to be fully prepared with all the necessary Instructions, and furnished with the necessary Documents. But Your Committee, on Enquiry for a Copy of the Consultation concerning Sir Elijah Impey's Salary (which he does not deny to have been settled, though he will not admit himself to be clear that it is accepted) he finds he is not furnished with this sole Paper, so essential to Mr. Hastings's Cause: He supposes it owing to some Neglect of the Clerk. After leaving Calcutta, Mr. Scott, the Agent, makes a considerable Stay at Madras, and receives Letters from Mr. Hastings; but still this Paper is forgot.

Sir Elijah Impey, on his Part, has sent no Agent at all, nor authorized any, whom the Committee can find, to undertake his Defence; and though he must be conscious that the whole Proceeding was unpopular, and must be questioned in Great Britain; and though he beheld Vessel after Vessel, and Officer after Officer, departing for Europe, he has not thought proper to send, by any Conveyance, any Account whatsoever of this Transaction, either to the Ministers of His Majesty, under whose Commission



Commission he acted in his First Office; or to the Court of Directors, under whose Authority he received his Second, and from whose Treasury he is to receive the vast Appointment of his Offices, both old and new. This was the more extraordinary, as the Chief Justice, on former Occasions, was sufficiently liberal of Information; and on the Matter of the Remittance of the Profits, derived from his legal Salary, had written a very long Letter to that Court. He had also long since transmitted a Plan relative to the Country Courts, and other Law Arrangements; and had, in his Letter to the Secretary of State, made an Offer to assist, without desiring any Vote, any Power, or any Emolument, in this very Court of Sudder Adaulut, merely as an Adviser, and absolutely disclaiming every View to Interest in his Desire of sitting there.

As it is rather by Management, than by direct Opposition, that the Authority of Great Britain is weakened in India, Your Committee think it expedient, without deciding on the actual internal Motives of the Parties, to state to the House the possible Policy, which might, in other Cases, dictate a Suppression of all Communication on one Side, and such imperfect, partial, and garbled Communication on the other, in order that the House may take Measures to prevent the Mischiefs arising from such unconnected and irregular Correspondence in future.

It may be taken for granted, that the great Stand of Objection to any new Establishment will be made on the First Proposition; and, knowing that Topics of the Disinterestedness of Parties, in any Transaction, have no small Force in recommending any Scheme to those, who may not be furnished with the Means of judging on its internal Merits, it may be first produced as a Measure from whence none of the Parties are to derive any Profit. In this Light, if a Sanction can be obtained to the naked Office, the lucrative Parts, which in Reality may be Principal in the Formation of the Design, will afterwards appear only an Accessary and Subordinate; they will pass off as included in the First Approbation, and the several Parts, dropping in one after another, will excite little Attention, and no Alarm.

With regard to a total Withholding of Information by one of the Parties, where there may be Cross Charges, and where the Decision is distant in Place, and late in Time, more Advantage might be derived, in some Sort of Cases, from having made no Defence at all, than from any Defence that could be made; whilst it was argued, by the Friends of the Parties in England, that it would be unjust to condemn a Man unheard, or even to touch the Measure he was concerned in, as indirectly tending to condemn him; and thus all Determination on the Merits of questionable Conduct, and even questionable Establishments, would be postponed from Year to Year. The First Impression of an evil Act would grow fainter every Day; the Spirit of Enquiry and Prosecution would cool by Time, till, at length, the Order and Peace of the subordinate Government would be pleaded against its Reformation.

Your Committee has been at the greater Pains to unravel a dangerous System of practical Prevarication, which may very easily be foreseen, if an irregular and partial Communication from India is permitted; because, by such unworthy Artifices, the wise and benevolent Designs of the King and Parliament may be effectually frustrated, if Persons there, covering an improper Conduct by an improper Neglect of Information; diverting the Attention from a reprehensible Act of an old Date, by committing a new one of the same Description, and, at length, establishing Corruptions as a Sort of prescriptive Rights, are suffered to fatigue British Government into an Acquiescence in their Misdemeanors, and the Native People into Despair of any Redress.

Your Committee is sensible, that the very Distance between Bengal and Great Britain affords great Advantage to improper Practices. For this Your Committee is unable to find any Remedy, but in the substantial Nature of Parliamentary Proceedings, and in using all possible Promptitude in them. Whenever a strong Ground of Charge is laid for an Abuse of Office in India, and that the Parties charged did, or might, but through their own Fault, know of that Matter, and are afterwards negligent in giving full Information, so far as it comes to their Knowledge, they ought to be called Home, if it were only for that very Negligence; and ought to be compelled to answer, on their Return to England, both to the Charge, and to the Neglect: Otherwise, Complainants and Witnesses will die, Misdemeanors will be compounded, and the Complaints antiquated, long before they can be brought to any Decision.

The People of India do not partake the Benefits of the British Constitution; and it is not proper to load them with its Inconveniencies. The Rules of formal Justice, established in England, and in most other European Countries, may have been made with a Reference to Advantages which are of a more substantial Nature, and which are to be enjoyed within the Limits of Countries where they prevail. They are originally made upon a small and a connected Scale of Empire. If such local Maxims are adhered to in their Rigour, and applied to Processes coming from the remotest Parts of the World, such a Delay of Justice would be worse than a total Denial of it.

The People of India can derive no Consolation from Maxims and Modes of Proceeding in Great Britain, which never have operated, and never can operate, in Favour of their Complaints ; but which have their full Force in Favour of the Persons, against whom they may have Reason to complain. These being most commonly Persons of great Wealth, and either originally possessing, or recently forming, extensive Friendships and powerful Connections in Great Britain, the Natives of India, who cannot comprehend the Principle of our Proceedings, but who perfectly comprehend the Force of Wealth, Friendship, Favour, and powerful Connection, will be apt to attribute their Failure of Relief rather to the Causes which they do, than to those which they do not understand. The Laws, therefore, relative to Persons in Power in India, ought, as Your Committee conceive, to be accommodated to their Situation ; and Parliamentary Proceeding appears to be the only Mode, in which Relief for Indian Grievances may be had, with Safety to the Rules of Judicature in England, or with Effect in India, if Parliament should not voluntarily put Fetters of Form on itself, where the Constitution has put none.

Your Committee think themselves bound, in concluding their Observations on this their First Report of this Session, to remark, that Mr. Francis and Mr. Wheler appear to have acted consistently and properly in resisting the new Arrangement of the Court of Sudder Adaulut ; and that Justice Chambers and Justice Hyde, for any thing which appears to Your Committee, have had no Share in, or been assenting to, any Part of it.

---

# A P P E N D I X.

---



---

# A P P E N D I X.

---

## A P P E N D I X, N<sup>o</sup> 1.

*Extract of a Letter from the Chairman and Deputy Chairman of the East India Company, to the honourable Warren Hastings, Governor General of Bengal; dated the 1st, and dispatched the 3d, of August 1781.*

**Y**OU have been informed, by our Letter of the 9th of June last, that Affairs on the Coast were under the Investigation of a Secret Committee of the House of Commons—By this Conveyance we send you Copy of the First and Second Reports of the said Committee of Secrecy, with the Appendix to the *Second* Report; but the Appendix to the First Report is not yet printed.

On the Ship Deptford, was forwarded a Copy of the Report and Appendixes of the Select Committee, respecting the Bengal Judicature—We now send another Copy of that Report, and of the Act passed, for your further Information.

An Act of Parliament having also passed during the last Session, by which the Company's Charter has been prolonged for Ten Years, we transmit you Copy thereof for your Information and Guidance; and enjoin strict Attention and Obedience thereto.

---

## A P P E N D I X, N<sup>o</sup> 2.

*East India House, 26th December 1781.*

At a Conference;

P R E S E N T,

Laurence Sullivan, Esquire, Chairman,  
Sir William James, Baronet, Deputy Chairman,  
Brigadier General Richard Smith.

*Representation by General Smith.*

**I** AM directed by the Select Committee of the House of Commons, to represent to you, Mr. Sullivan, that as, in your Evidence before that Committee, upon being asked, If the Court of Directors had sent any Orders relative to the Appointment of Sir Elijah Impey to be Judge of the Sudder Dewannee Adaulut; you stated to them, That it was a Matter of Importance; and that

## A P P E N D I X, N<sup>o</sup> 2.

that the Company had ordered the Opinions of the Attorney and Solicitor General, Mr. Dunning, and the Company's Counsel, to be taken before they would come to any Decision on it :

*Quest.* That as those Opinions are now received, the Committee wish to know, if the Company have sent any Orders in Consequence ?

*Ans.* No.

*Quest.* If they intend to send any Orders in Consequence ?

*Ans.* Yes ; the Chairman and Deputy will think it necessary to recommend to the Court of Directors, that some Orders should be sent, with the Counsel's Opinions ; but nothing decisive.

Upon this Answer, General Smith represented from the Committee to the Chairman and Deputy, That as this Appointment was now under the Consideration of the Committee, whether they would think it proper to send any Orders upon the Subject, until the Committee made their Report, and the Sense of the House of Commons should be known upon the Appointment of Sir Elijah Impey to the Office of Judge of the Sudder Dewannee Adaulut ?

*Answer by the Chairman and Deputy Chairman.* The Chairs agree to propose to the Court, to mention the present State of Proceedings in England on that Subject, in their next Advices to India, and to state, that as the Subject is now under Consideration of Parliament, so soon as any Determination is had, the Servants of the Company shall be advised thereof, for their Guidance.

Lau. Sullivan.  
W<sup>m</sup>. James.

*At a Court of Directors, held on Tuesday the 15th January 1782.*

The further Consideration of a Paragraph, which had been approved on, the 4th Instant, and afterwards submitted to and approved by Administration, for the General Letter to Bengal, relative to the Appointment made by the Governor General and Council of Sir Elijah Impey to be Judge of the Sudder Dewannee Adaulut, was proposed, and the same being now read, and further considered,

A Motion was then made, That Sir Elijah Impey be removed from the Office of Judge of the Sudder Dewannee Adaulut.

And the Court entering into a Debate thereon ; during the Course whereof, the Proceedings had in the Council General, on the Establishment of that Office, and the Appointment of Sir Elijah Impey thereto, being read ; after a further Debate,

And the said Paragraph and Motion having been again read ;

And the Chairman having stated to the Court, the Proceedings had, and also the Minutes of a Conference held by himself and the Deputy Chairman, with Brigadier General Richard Smith, Chairman of the Select Committee of the House of Commons, appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, relative to the Appointment in Question ; and,

The said Minutes being then read,

It was moved,

That the Paragraph relative to Sir Elijah Impey, that passed the Court on the 4th of January last, be rescinded.

And the Question thereon being put by the Ballot, and it appearing there was an Equality of Votes,

The Court proceeded, agreeably to the Directions in the Company's Charter, to the Determination of the said Question by Lot ; and Two Lots being accordingly prepared,

And the Treasurer being called into Court, he drew the Lot, which determined that the said Question passed in the Negative ; which was accordingly declared from the Chair,

Whereupon the Question, on the before-mentioned Motion, That Sir Elijah Impey be removed from the Office of Judge of the Sudder Dewannee Adaulut, being proposed ;

## A P P E N D I X, N° 2, 3.

The previous Question on the said Motion was demanded, That the main Question be now put ; and being accordingly put by the Ballot,

The same passed in the Negative.

*At a Court of Directors, held on Friday the 18th January 1782.*

Joseph Sparkes, Francis Baring, John Smith, Thomas Cheap, and William Mills, Junior, Esquires, now delivered in the following Dissent ; viz.

“ India-House, 18th January, 1782.

Gentlemen,

“ Being desirous that some Proof should appear upon the Company’s Records, of the Opinions which we expressed in Court on the 15th Instant, respecting Sir Elijah Impey’s Appointment to the Office of Judge of the Sudder Dewannee Adaulut, and the Necessity of giving Orders, by the Ships now about to depart for India, to set aside that Appointment : We take this Method to express our Disapprobation of the Proceedings of the Court on that Day, which prevented the Decision of a Motion made to remove Sir Elijah Impey from the said Office.

“ We are, with great Respect,

“ Gentlemen,

“ Your most humble Servants,

Joseph Sparkes,  
Fran. Baring,  
John Smith,  
Tho<sup>o</sup> Cheap,  
W. Mills, Jun<sup>r</sup>.”

“ To the Honourable the Court  
of Directors of the East  
India Company.”

*Copy of the 84th Paragraph of the Company’s General Letter to Bengal ; dated the 25th January 1782, approved by the Court of Directors on the 4th of the same Month.*

We have not been inattentive to your Proceedings respecting the Appointment of Sir Elijah Impey to be Judge of the Sudder Dewannee Adaulut ; but as that Appointment is now under the Consideration of a Committee of the House of Commons, and as the Committee have not yet made their Report to the House, we think it proper to wait the Determination of Parliament on the Subject, when you shall, so soon as possible, be advised thereof for your Guidance.

---

## A P P E N D I X, N° 3.

*Case for the East India Company.*

**F**ROM the Time the Dewannee of Bengal, Bahar, and Orissa, was granted to the East India Company, the whole Government and Management of the Provinces, in all Affairs civil and military, was in the Governor and Council of Bengal, or a Select Committee of them ; but in certain Cases the Name of the Nabob was used, and he was held forth as the ostensible Sovereign of the Country.

In the Year 1772, the Governor and Council of Bengal established new Courts of Judicature, for the Administration of Justice amongst the Natives throughout the Provinces ; which were divided into Districts. By these Regulations, a Court was established in each District, called The Mofussell Dewannee Adaulut, for Trial of civil Causes, in which the Collector of each District was to preside as Judge, in the Quality of King’s Dewan, and was to be attended by the Provincial Dewan appointed by the President and Council, and the other Officers of the Cutcherry.



## A P P E N D I X, N° 3.

The Regulations also established a superior Court of civil Jurisdiction, at the chief Seat of Government, called The Dewannee Sudder Adaulut; which was to receive and determine Appeals from the Provincial Dewannee Adaulut. In this Court, the President or Governor of Bengal, and Two Members of the Council, were to sit as Judges, attended by the Dewan of the Khalsa, the Head Conongoes, and other Officers of the Cutcherry, and in the Absence of the President, a Third Member of the Council was to sit, so that not less than Three Members were to decide on an Appeal; but the whole Council might sit if they chose it.

After the above Regulations, a Provincial Council was appointed instead of a Collector, and they were named, "The Judges of the Court of Dewannee Adaulut."

1773, 13th Geo. III. Cap. 64.—An Act was made for establishing certain Regulations for the better Management of the East India Company's Affairs; whereby, for the better Management of the Company's Affairs in India, it was enacted, "That for the Government of the Presidency of Fort William in Bengal, there should be appointed a Governor and Four Councillors, and that the whole Civil and Military Government of the said Presidency, and also the Ordering, Management, and Government of all the Territorial Acquisitions and Revenues in the Kingdoms of Bengal, Bahar, and Orissa, should, during such Time as the Territorial Acquisitions and Revenues should remain in Possession of the Company, be and the same were thereby vested in the said Governor General and Council of the said Presidency of Fort William in Bengal, in the like Manner, to all Intents and Purposes whatsoever, as the same then were, or at any Time thenceforth might have been exercised by the said President and Council, or Select Committee, in the said Kingdoms."

The same Act empowered His Majesty to establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a Chief Justice and Three other Judges, who were to have such Salaries as in the said Act are mentioned, which were to be in lieu of all Fees of Office, Perquisites, Emoluments, and Advantages whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, should be accepted, received, or taken by the said Judges, or any of them, in any Manner, or on any Account or Pretence whatsoever, other than such Salaries and Allowances as were in and by that Act directed to be paid to them respectively.

Pursuant to this Act, the King granted a Charter of Justice, and appointed Sir Elijah Impey Chief Justice of the Court; and he took that Office upon him.

Many Disputes arose between the Governor General and Council and the Judges, respecting the Jurisdiction of the Supreme Court.

28th March 1780, the Governor General and Council established another Plan for the Administration of Justice throughout the Provinces; by which they ordained, that there should continue to be Courts of Civil Judicature in each of the Grand Divisions therein mentioned; and that over each of these Courts, a Company's covenanted Servant should preside, under the Title of Superintendent of the Dewannee Adaulut, and his Jurisdiction was to be independent of the Provincial Councils—that the Provincial Councils should try and determine all Revenue Causes; and that the Superintendent of the Dewannee Adaulut should try and determine all other civil Causes. They also established various other Regulations, of which you have a Copy herewith; by these Regulations an Appeal is given in certain Cases from the Dewannee Adaulut, to the Governor General and Council, in the Court of Sudder Dewannee Adaulut.

October 1780.—Sir Elijah Impey was appointed by the Governor General and Council of Bengal, to be Judge of the said Court of Sudder Dewannee Adaulut, as mentioned in the following Minutes.

### *Governor General's Minute in Consultation, 29th September 1780.*

"The Institution of the new Courts of Dewannee Adaulut, has already given Occasion to very troublesome and alarming Competition between them and the Provincial Councils, and too much Waste of Time at this Board.—These, however, manifest the Necessity of giving a more than ordinary Attention to these Courts in the Infancy of their Establishment, that they may neither pervert the Purposes, nor exceed the Limits of their Jurisdiction, nor suffer Incroachments upon it.

"To effect these Points, would require such a laborious and almost unremitted Application, that however urgent or important they may appear, I should dread to bring them before the Consultation of the Board; unless I could propose some Expedient for that End, that should not add to the Weight of Business with which it is already overcharged.

"That which I have to offer, will, I hope, prove rather a Diminution of it. By the Constitution of the Dewannee Courts, they are all made amenable to a superior Court, called, The Sudder Dewannee

## A P P E N D I X, N° 3.

Dewanee Adaulut, which has been commonly, but erroneously, understood to be simply a Court of Appeals. Its Province is, and necessarily must be, more extensive. It is not only to receive Appeals from the Decree of the inferior Courts, in all Causes exceeding a certain Amount; but to receive and revise all the Proceedings of the inferior Courts, to attend to their Conduct, to remedy their Defects, and generally, to form such new Regulations and Checks, as Experience shall prove to be necessary to the Purpose of their Institution. Hitherto the Board has reserved this Office to itself, but hath not yet entered into the Execution of it, nor, I will venture to pronounce, will it ever with Effect, though Half of its Time were devoted to this single Department. Yet, without both the Support and Controul of some powerful Authority held over them, it is impossible for the Courts to subsist; but they must either sink into Contempt, or be perverted into the Instruments of Oppression.

“ This Authority, I repeat, the Board is incapable of exercising, and if delegated to any Body of Men, or to any individual Agent, not possessing in themselves some Weight independent of mere official Power, it will prove little more effectual. The only Mode which I can devise to substitute for it, is included in the following Motions, which I now submit, on the Reasons premised, to the Consideration of the Board :

“ That the Chief Justice be requested to accept of the Charge and Superintendency of the Office of Sudder Dewanee Adaulut, under its present Regulations, and such other as the Board shall think proper to add to them, or to substitute in their stead; and that on his Acceptance of it, he be appointed to it, and styled the Judge of the Sudder Adaulut.”

“ I shall beg Leave to add a few Words in Support of this Proposition, on different Grounds. I am well aware that the Choice which I have made for so important an Office, and one which will minutely and nearly overlook every Rank of the Civil Service, will subject me to much popular Prejudice, as its real Tendency will be misunderstood by many, misrepresented by more, and perhaps dreaded by a few.

“ I shall patiently submit to this Consequence, because I am conscious of the Rectitude of my Intentions, and certain that the Event will justify me, and prove, that in whatever Light it may be superficially viewed, I shall be found to have studied the true Interests of the Service, and contributed the most effectually to its Credit.

“ The Want of legal Powers, except such as were implied in very doubtful Constructions of the Act of Parliament, and the Hazards to which the Superiors of the Dewanee Courts are exposed in their own Persons, from the Exercise of their Functions, has been the principal Cause of their Remissness, and equally of the Disregard which has been in many Instances shewn to their Authority : They will be enabled to act with Confidence, nor will any Man dare to contest their Right of acting, when their Proceedings are held under the Sanction and immediate Patronage of the First Member of the Supreme Court, and with his Participation in the Instances of such as are brought in Appeal before him, and regulated by his Instructions. They very much require an Instructor, and no one will doubt the superior Qualifications of the Chief Justice for such a Duty.

“ It will be the Means of lessening the Distance between the Board and the Supreme Court, which has perhaps been, more than the undefined Powers assumed to each, the Cause of the Want of that accommodating Temper, which ought to have influenced their Intercourse with each other.

“ The Contest in which we have been unfortunately engaged with the Court, bore at one Time so alarming a Tendency, that I believe every Member of the Board foreboded the most dangerous Consequences to the Peace and Resources of this Government from them. They are at present composed; but we cannot be certain that the Calm will last beyond the actual Vacation, since the same Grounds and Materials of Disunion subsist, and the Revival of it, at a Time like this, added to our other Troubles, might, if carried to Extremities, prove fatal.

“ The Proposition which I have submitted to the Board may, nor have I Doubt that it will, prove an Instrument of Conciliation with the Court; and it will preclude the Necessity of assuming a Jurisdiction over Persons, exempted by our Construction of the Act of Parliament from it; it will facilitate and give Vigour to the Course of Justice; it will lessen the Cares of the Board, and add to their Leisure, for Occupations more urgent, and better suited to the Genius and Principles of Government; nor will it be any Accession of Power to the Court, where that Portion of Authority which is proposed to be given, is given only to a single Man of the Court, and may be revoked whenever the Board shall think it proper to resume it.”

## A P P E N D I X, N<sup>o</sup> 3.

*Sir Fyre Coote's Minute in Consultation, 24th October 1780.*

"As the determining upon Points relative to Law Proceedings, has fallen so little within the Limits of my Profession, I acknowledge myself inadequate to the forming a thorough Judgment concerning the Plan proposed by the Governor General.

"But, trusting to his full Knowledge of that Branch of Government which he now means to bring under the Controul of Inspection, and from a real Sense of the Abilities of the Chief Justice to render any Department of Superintendence which should be intrusted to his Charge, no less useful and beneficial in Effect than in Idea, I give my Assent to the Measure:—Observing at the same Time, however, that this Assent is for the Trial of an Expedient, which may be attended with favourable Consequences, and not for its absolute Establishment; and therefore reserve to myself full Liberty to vote against the present Resolution, should I find it prove hereafter, in any Respect, detrimental either to the Lines of Government, or to the Community."

*Mr. Wheeler's Minute, 24th October 1780.*

"No one can be more sincerely desirous than I am, of the due Administration of Justice in this Country. By the late Act of Parliament, this Branch is divided between the Supreme Court and the Government; what the Act hath not committed to the former, it confirms to the latter; and wherever the Extent of the respective Jurisdictions is not clearly defined, or is oppositely viewed, their mutual Candour and Regard to the Public Good should influence.—Through these Channels only can Justice flow here.

"This Board, in the late Institution of Dewannee Courts of Adaulut, hath thought itself acting in the Province left to it by the Legislature, and making an effective Regulation for the Benefit of the Country.—I am sorry to find, from the Governor General's Minute, that he now sees the Institution in a different Light in both these Respects.—He conceives, that the Superiors of the Adauluts have no legal Powers, except such as are implied in very doubtful Constructions of the Act of Parliament; that the Court of Appeals established to controul their Proceedings, and support their Authority, can never prove effectual for these Purposes.—If the Institution has really these Evils in it, I am willing to deliberate upon proper Remedies for them to reduce it, if it has exceeded the due Limits; or if it is found to be essentially defective, to agree to an essential Change in it; but at present, I must confess, these Positions are not evident to me; and supposing these to be established in the Application of Remedies, we can have no Standard, but the Lines marked out by the Act of Parliament, which assigns a separate Jurisdiction to each of the Two Departments, or implies the Duty of a Co-operation of both?

"Although I entertain all due Deference for the Chief Justice, and feel myself embarrassed by the Personality which mixes in the Question before us; yet I must beg Leave to say, that the Expedient proposed by the Governor General, seems not to fall in with any of the Intentions of the Act, but to be opposed by Difficulties, as well as to threaten Consequences, which, unless obviated, must determine me to withhold my Assent to it.

"Some of the present Difficulties are these: First, If the Governor General and Council have no legal Power to appoint Superintendents of the Adauluts, than what is implied from a doubtful Construction of the Act of Parliament, then they should not have proceeded to an Establishment of such Importance, nor should they now persist in it; their Business in such Case is to act in concert with the Court.

2d, "If they have not in themselves competent Power for this Establishment, they, in like Manner, are not competent to confer upon any Individual, that Authority with which it is now proposed to invest the Chief Justice.

3d, "Unless the Chief Justice acknowledges the Validity of the Board's Institution (which will be a great Authority against the Governor General's Arguments) he cannot consistently accept of the Office proposed for him; and the same Remark may be extended to the Opinions of the other Judges.—His Acceptance of an Office cannot establish the Legality of the Power that confers it.

4th, "The Union of different Powers in the Person of the Chief Justice, can be no regular Conciliation of the Two Departments: The Interposition of his Person may indeed prevent their clashing for a Time; but this affects no real Adjustment of Principles between them; and it does not seem allowable for us to conclude, that a particular Distinction shewn the Chief Justice, will suppress all Opposition of Sentiment from the other Judges; nor does this Mode of procuring Peace,  
if

## A P P E N D I X, N<sup>o</sup> 3.

if it should succeed, appear the most honourable or safe for ourselves ; for, after delegating so much Power, both Departments are still left exposed at the Pleasure of the Chief Justice, to the future Eruption of their unextinguished Differences.

5th, " If, for the Purposes of conciliating the Court, and giving Efficacy to the Adauluts, such an Authority is to be bestowed, it would seem that these Purposes would be better answered, and all Danger of infringing the Act of Parliament avoided, by delegating the Power of hearing Appeals to all the Judges of the Supreme Court, or associating them with ourselves, and holding such Power in Conjunction with them, which falls in with one Part of the Bill transmitted to the Court of Directors in the Year 1776.

6th, " By a Appointment of this Nature, the Independency of both Departments may be endangered ; by separating the Members from their Departments, a System of mutual Influences, which may occasionally operate too powerfully upon each, is at once founded.

7th, " Such a Union of different Powers is beyond the Scope of the Act of Parliament, and foreign to the Constitution of the Company's Government—A great Salary, high Rank and Consideration, are annexed to the Office of Chief Justice, most probably upon the Supposition, that the Person advanced to it could here receive no Augmentation in any of these Things ; and it seems inconsistent with his Appointment from the King, which makes him independent, to accept of another Appointment under the Company, during the Pleasure of this Board.

8th, " In the Office proposed to be given to the Chief Justice, it does not appear how he can be held under Controul or Responsibility. He cannot be separated from the Privileges of his original Office ; yet the Exercise of them, in all that relates to the new Appointment, must be quite discretionary with him.

" The Apprehensions which I entertain, and have alluded to in the former Part of my Minute, are these :

1st, " That it will be thought requisite, if this Appointment takes place, to annex a large Salary to it, and an ample Establishment.

" In our present State, when we can hardly raise Money for our necessary Occasions, I should think such an Expence utterly inadmissible.

2d, " Decisions might probably go upon the Principles of English Law—The Introduction of this Practice should, in my humble Opinion, be previously and maturely considered.

3d, " If Attornies and Solicitors should be admitted to practise in the Court of Appeals, a new and wide Door of Litigation would be opened—The Company have no Controul over Attornies and Solicitors.

4th, " The Business of the Court of Appeals must give Opportunity for a thorough Inspection of all the Affairs of the Revenue, and Proceedings of the Provincial Councils ; of course, a very powerful Influence over both Europeans and Natives.

5th, " Such an Influence, possessed by the Chief Justice of the Supreme Court, might too much hide the Government from the Eye of the Natives.

" Waving further Objection, I now repeat my Wish to see these obviated ; and whatever may be wanting for an effectual Controul over the Country Courts, supplied. If the Service should indeed require an extraneous Check, delicate and important as this Point is, I would by no Means have it understood that I would oppose it ; but before this is applied, I think several other Expedients might be tried : 1st. The Company's chief Law Officer here, seems to be the Person to whom Recourse should first be had, his Station being similar to that of the Counsel in England, who attends on all Questions of Law, and gives his Opinion and Advice : I think, that by introducing in the same Manner the Advocate General in the Court of Appeals, the Business of that Court might be made easy to the Members of the Board ; and I must think also, that if such an Officer as Judge of Appeals should be created, he has the most natural Right to it.

2d, " The Supreme Court, and the Governor General and Council, might sit together as a Court of Appeals, according to the Principle of the Bill already mentioned.

3d, " The Objections against the Chief Justice lie with less Force against either of the inferior Judges. And,

4th, " Least of all against the Presidence of all the Judges in Rotation."

## A P P E N D I X, N° 3.

*Mr. Francis's Minute, 24th October 1780.*

“ I have not had sufficient Time to give this important Proposition all the Consideration it deserves; the Reflections which it suggests, must be stated hastily as they occur. That it is a fresh Innovation, succeeding many others, in the Administration of Justice to the Natives of this Country, is of itself a weighty Objection; all Innovations of this Nature are dangerous, especially in a Country, whose Government cannot divide or surrender any of its Powers, without lessening the Respect, and hazarding the Obedience, of its Subjects. On this Principle we contended for the exclusive Jurisdiction of the Governor General and Council, as Dewan over the Zemindars, Landholders, and landed Property of this Country. In my Judgment, the Proposition amounts to a direct Contradiction or Desertion of every Thing we said or did, in the Case of the Rajah of Cossijurah; as such it will be naturally received and understood by the Natives: They cannot distinguish between the Chief Justice and the Supreme Court; or if the Distinction could possibly be explained to them, and if they could be satisfied that in fact it was not intended to reinstate the Court in the Exercise of the Jurisdiction which it had claimed, and which we had resisted, it is probable they would think that some greater Evil was to befall them. I hope it is unnecessary for me to say, that no Idea of personal Disrespect to the Chief Justice can be intended by any thing I shall offer on the public Question before me; if any Expression that may appear to have such a Tendency, should escape me, I disclaim it. I mean to examine the proposed Institution on its own Merits, and the Difficulties it may be subject to as a Public Measure, without Reference to the personal Character or Qualifications of any Individual. I shall follow the Reasoning of the Governor General's Minute, in the Order in which he has placed it.

“ If the Institution of the new Court has already given Occasion to Competitions between the Provincial Councils and the Dewannee Adauluts; it is our Business and Duty to put an End to them by our Authority, which is direct and sufficiently coercive over both Parties; we ought to draw the Line between them, and insist on their respective Submission to the Limitation described by it. I do not think, that to effect this Point would require any very laborious Application on our Part; our Administration wants Vigour, not Time, to execute its Duties: One Punishment would have more Effect than a Thousand Regulations. But if the Argument were well founded, how is the Difficulty removed by transferring this laborious Service to the Chief Justice, who is already so overloaded with the Business of the Supreme Court, that he finds it impossible to assist his Brethren as Acting Justices of Calcutta, and therefore is very justly excused from sharing with them in the Toil of that troublesome Office?

“ The Sudder Dewannee Adaulut, I know, has been commonly, but I do not think it is erroneously, understood to be simply a Court of Appeals. The 6th Article of the Plan for the Administration of Justice, provides, *That the Dewannee Sudder Adaulut shall receive and determine Appeals from the Provincial Dewannee Adauluts*; and it says no more: If its Province be, and necessarily must be, *much more extensive*, the Extent of it should be accurately described and defined. For my own Part, I know not where to look for their necessary Definition; but I know, that a Jurisdiction not so defined, either has no Power at all, or it is despotic. A Court of Appeal, as such, can do nothing but receive Appeals from the Decrees of inferior Courts: If it is to receive and revise all the Proceedings of such Courts, it must itself cease to be a Court of Appeal; for what Suitor will appeal to a superior Court, which has already revised, approved, and confirmed the very Proceedings by which he thinks himself injured? If a Court of Appeal adheres to the true Principle of its Institution, it should know nothing of the Proceedings of the Inferior Court, until an Appeal from the Decree of that Court comes regularly before it. If it has *already* approved of the Proceedings below, it is instantly a Party, and cannot be Judge. As to the other Duties proposed, of attending to their Conduct, of remedying their Defects, and forming new Regulations, &c. these are Objects of the Legislative Power of the Country, which I understand *quoad hoc*, at least, is exclusively and unalienably vested in the Governor General and Council.

“ I am of Opinion, that the Office might be exercised by the Board, or by any Two Members of it; and that Two or Three specific Days allotted in a Month to this Duty, would be sufficient to perform it.

“ I must object to the Request proposed to be made to the Chief Justice, for the following Reasons: The Governor General and Council cannot, without departing from the Principle on which they have unanimously acted, establish the Sudder Adaulut on any Plan which commits the Company's Rights, or ours in the Quality of Dewan of the Provinces, to the Custody of all or any of the Judges. The Supreme Court and Council differ widely in their Ideas of the Jurisdiction of the Court. The Chief Justice cannot be supposed to have changed the Opinions which he has at all Times so steadily maintained, and those Opinions would lead him to submit to the Jurisdiction in many Instances, in which the Council, upon *their* Principles, would resist them. Thus the Council, by making the Chief Justice Judge of the Sudder Adaulut, would put into the Power of the very Man with whom they have been contending, to give up what they hitherto insisted on as their essential Rights.



## A P P E N D I X, N<sup>o</sup> 3.

“ The great Object of this Plan is to give Authority to the Dewannee Adauluts; but I cannot admit, that the Means are likely to answer the End. The Arguments drawn from the elevated Station of the Chief Justice, have no Weight; he can carry none of the Powers of the Supreme Court into the Sudder Adaulut. When he acts under the Appointment of the Council, as Superintendent, he will possess no Part of the Authority which he derives from the King's Appointment of Chief Justice. It will not prove an Instrument of Conciliation, nor prevent the Revival of Disputes which, it is said, might prove fatal. It is admitted by the Governor, that the Grounds of Division still subsist; and it is certain that the Appointment of the Chief Justice to the Sudder Adaulut, will make no Alteration in the Authority and Powers of the Supreme Court; the remaining Judges will have the same Powers which they all now possess, because the Council cannot, by new modelling the Adauluts, abridge, or in any way affect the Powers of the Court. If the Chief Justice carries his late Opinions into the Sudder Adaulut, the Supreme Court will obtain Strength from this Appointment; if he acts on new Principles, more conformable to those of the Council, that will raise fresh Difficulties; it will tend to make a Breach between him and the other Judges, but can never repair the Breach already subsisting between the Court and Council. I use the Language which has already been applied by us to the Judges, when I say, that there is a Jealousy which all Men feel for their own Power and Consequence; the Two Puisne Judges cannot but feel themselves wounded by this partial Selection of the Chief Justice, and the Preference given to his superior Qualifications. We ought not to offer them such Cause of Offence, nor ought we to be careless of the Effects it may produce.

“ I conceive, that the Appointment of the Chief Justice to this Office, would clash and be inconsistent with the Duties of his present Station. It would be an insuperable Bar to his acting in many Cases, in which his Duty, as Chief Justice, would call on him to act. Suppose a Suitor in the Adaulut should think the Judge had acted illegally, he might bring his Action against him in the Supreme Court, and then, upon the Principles on which the Court and the Chief Justice have particularly insisted and acted, he would be obliged to come as a Party into the Court, in which he ought to preside as Chief Justice, to plead in the usual Form, and to defend himself in the usual Way; and he might be compelled to pay Damages for what he had done as Superintendent, in the same Manner that the Council of Patna were for their Proceedings against Nadara Begum. Thus his Proceedings in the Adaulut would bring him a Party into his own Court, and preclude him from acting in his Capacity of Chief Justice. Again, suppose a Person committed by any of the inferior Adauluts, or by the Chief Justice of the Sudder Adaulut, should apply to him for a Writ of Habeas Corpus, should he refuse the Writ, because the Grounds of the Commitment are already known to him? Or shall he grant it, though possessed of such Knowledge, and when he himself has prejudged the Question, by ordering or approving the Commitment?—I cannot presume to say how far it would be his Duty to grant the Writ at all Events, but it is evident that the Prisoner would gain nothing by obtaining it. It may be said, the Person so committed may apply for a Writ of Habeas Corpus to one of the Puisne Judges; if he succeeds (as he certainly would, if, in my Opinion of the Judge, there should seem Reason to suppose the Commitment might be illegal) it would follow, that the Act of the Superintendent would be canvassed, and perhaps set aside by an inferior Judge of another Court, in which the Superintendent himself presides. This Case might frequently occur, and if it should ever occur, it would tend to create new Differences between the Supreme Court on the one Side, and the Sudder Dewannee Adaulut, supported by the Chief of the Supreme Court, on the other.

“ On the whole, I think it would be improper in the Council to request the Chief Justice to take upon himself, and perhaps illegal in him to accept, an Office, which is so inconsistent with the Duties of his present Station, and which would preclude him from exercising the Trust reposed in him by the King, in many Cases of the greatest Importance, particularly those in which the Limits of Jurisdiction of the Court, and the Extent of the Powers vested in the Council, might come in Question.

One of the Observations with which the Governor General concludes his Argument in favour of his Plan, viz.—That the Portion of Authority which is proposed to be given, is only to a single Man of the Court,—appears to me a strong Objection against it. The English Government has very sparingly delegated judicial Authority to single Persons; final Appeals in particular are never permitted to be tried by a single Judge, either in England or any of its Provinces or Dependencies. The King is, I believe, the only single Person to whom such an appellate Jurisdiction is even nominally given, and he cannot try an Appeal without the Assistance of his Privy Council: Appeals to him, therefore, are called Appeals to the King in Council.

“ This Policy has nothing to do with Trials by Jury, or Principles of English Liberty, which may be thought inapplicable in Bengal, but is founded on that Justice, to which the Natives of Bengal are entitled, as well as other Men. But Justice requires, in the Constitution of a Court, Corruption be above all Things guarded against; and no Magistrate is more liable to Corruption than a Judge, in whom is vested a Power of determining Appeals, without being either checked by Associates, or controlled by any further Appeals to superior Judges. The Legislature, in establishing the Superior Court of Judicature here, (though it be not a Court of Appeal, and though an  
Appeal

## A P P E N D I X, N<sup>o</sup> 3.

Appeal may be made from its Decisions to the King in Council) thought a Plurality of Judges necessary, and therefore created so many, that it is not likely they should be reduced by Chance to one.—Mr. Hastings and his Council, when they erected the Court of Sudder Dewannee Adaulut, would not leave such Reduction in the Power of Chance, but made the Presence of Three Members essentially necessary to a Decision. If I could believe it lawful and proper for us to delegate our Judicial Authority to Judges of the Supreme Court, I should think it ought rather to be given to all than to one. If all the Powers of the Sudder Dewannee Adaulut be vested in one Man, yet so vested, “that they may be revoked whenever this Board shall think it proper to resume them;” such a Judge may become, in the Hands of a corrupt Council, an Instrument of Oppression. The Council will not be answerable for his Decrees, and he will be in a great Measure protected by his judicial Capacity. The Authority given may undoubtedly be revoked, whenever the Board shall think proper to resume it. The present Board cannot bind their Successors, nor even themselves, against a Change of Opinions.—But will the Chief Justice accept of such an Office on so precarious a Footing? Or would it be respectful in us to offer it to him, with the Information which ought to accompany it, viz. That he is removable at any Time by a Resolution of the Board?”

*Resolution, 24th October 1780.*

“Resolved, That the Chief Justice be requested to accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such other as the Board shall think proper to add to them, or to substitute in their stead; and that on his Acceptance of it, he be appointed to it, and stiled The Judge of the Sudder Dewannee Adaulut.”

The Chief Justice accepted the Appointment; and thereupon it was agreed, that conformably to the Resolution of the Board, that the Chief Justice be appointed Judge of the Sudder Dewannee Adaulut, and that Notice of his Appointment should be sent to the Superintendents of the several Dewannee Adauluts, and that the Provincial Councils should be advised thereof.

*Minute about Salary, same Day.*

“The Governor General recommends, that a Salary of 5000 Sicca Rupees, and 600 Sicca Rupees per Month for the Rent of an Office, may be allowed to the Chief Justice for this Appointment; and that the Motion do lie for the Consideration of the Board, to be decided on at their next Meeting. Agreed, that it do lie accordingly.”

The Company's Advices do not inform them what has been done upon this last Motion; but it is not doubted, that a considerable Salary has been annexed to the Office of Judge of the Adaulut.

3d November, 1780, the Governor General and Council passed several additional Regulations, respecting the Administration of Justice in the Provinces; of which you have a Copy herewith.

The Court of Directors request, that you will consider the Act of Parliament of 13 Geo. III. Cap. 64, and the several Minutes and Arguments of the Governor General and Council, upon the Occasion of appointing the Chief Justice to be Judge of the Court of Sudder Dewannee Adaulut; and upon the Whole to advise them,

Q. Whether the Appointment of the Chief Justice, to be Judge of the Sudder Dewannee Adaulut, and giving him a Salary for that Office, besides the Salary he is entitled to as Chief Justice, was illegal, either as being contrary to the said Act of 13 Geo. II. Cap. 64; or incompatible with his Duty, as Chief Justice of the Supreme Court? And whether, he may be continued Judge of the Sudder Dewannee Adaulut, consistent with the Act of 21st George III. Cap. 70. Sec. 21?

The Appointment of the Chief Justice, to the Office of Judge of the Sudder Dewannee Adaulut, and giving him a Salary for the latter Office, besides what he is entitled to as Chief Justice, does not appear to us to be illegal, either as being contrary to the 13 G. III. or incompatible with his Duty, as Chief Justice; nor do we see any Thing in the late Act, 21 Geo. III. which affects this Question.

Lincoln's Inn,  
19 December 1781.

J. Dunning.

Ja. Wallace.  
J. Mansfield.



## A P P E N D I X, N° 3.

### *Mr. Rous's Opinion.*

That Sir Elijah Impey, by his Talents, his general Knowledge of Jurisprudence, and by the Habits of his Life, is well qualified in the Character of Judge of the Sudder Dewannee Adaulut, to improve the Order of judicial Proceedings, and to correct the Errors of inferior Courts of Adaulut throughout the Provinces, cannot reasonably be doubted.

On the other Hand, if by making this Office an Instrument of Conciliation with the Supreme Court, in the Language of the Governor General's Minute, to influence the Opinions of the Chief Justice, be intended; it can as little be doubted, that an Appointment of great Power and considerable Emolument, made with such a View, would be a direct Attempt to corrupt him in the Character of Chief Justice. I chuse therefore, to consider the Question; divested of all adventitious Circumstances, arising from the Qualifications of the Man, and the immediate Occasion of this Nomination.

In this general View of the Subject, the Appointment of the Chief Justice to be Judge of the Sudder Dewannee Adaulut, with a Salary at the Pleasure of the Council, appears to me inconsistent with the Object and Intention of the Legislature, in creating a Supreme Court of Judicature. By the Act of the 13th of the present King, the whole Civil and Military Government of the Country is conferred upon the Governor General and Council, "in like Manner, to all Intents and Purposes whatsoever, as the same now are, or at any Time heretofore might have been exercised by the President and Council, or Select Committee, in the said Kingdoms;" the President and Council had succeeded to the Power exercised by the Soubadhar, who certainly acted as a despotic Sovereign.—The Legislature therefore, by this Reference, have expressly declared their Intention to establish an undefined Power in the Council. Perhaps to limit this Authority by previous Laws, would be found, in the present State of Bengal, altogether impracticable.

It is sufficient to observe, that such a direct Controul has not been attempted; but, for the Purpose of preventing the Power necessary to the Government of the Country, being abused to the Emolument of Individuals, all those employed in the several Departments of Government under the Governor General and Council, are subjected to the Jurisdiction of a Supreme Court of Judicature. Their public Acts are protected by the Authority derived from the Council; as Individuals, the Europeans at least, are subjected to the Jurisdiction of the Court. Even (as the Power of the Supreme Court is explained by the Act of the last Session) those employed in the Management of the Revenues, and Judges administering Justice in the Courts of Adaulut, are liable to be punished in the Supreme Court for Extortion, or other Crimes committed in their public Character. To render the Restraint effectual, this Supreme Court of Judicature is established independent of any Power in the Country; the Judges are nominated by the Crown; and that their Minds may not be influenced by Hope or Fear, large Salaries are annexed to the Office by Parliament, which are declared to be in Lieu of all Emoluments whatsoever, with negative Words, excluding every other Emolument "in any Manner, or on any Account or Pretence whatsoever," than such Salaries and Allowances as by the Act are directed to be paid. Another Clause is added, prohibiting the Acceptance from any "Person or Persons, in any Manner, or on any Account whatsoever, of any Gift, Donation, Gratuity, or Reward," in as large and ample Terms as the English Language can furnish. General as these Prohibitions are, I do not think they can be construed to extend beyond the Intention of preserving the Parties independent: The Governor, therefore, or either of the Four Counsellors, may accept additional Emoluments from the Company; because, in the Formation of their Office, they are created dependent on the Company, and expressly directed to obey their Orders. For the same Reason, the Judges may receive additional Salaries from the Crown, because they are removable by the Crown; and there appears no Intention to guard their Independence from that Quarter: But I cannot persuade myself, that the Exception can be extended to the Chief Justice, and either (and consequently to all) of the Judges accepting Offices of great Power and large Emoluments, during the Pleasure of the Company, who, together with all Persons directly or indirectly in their Service, are amenable to the Supreme Court; or during the Pleasure of the Council, who are intrusted with those Powers, the Abuse of which the Supreme Court was instituted to repress. If the Judges may accept from the Council, it seems to follow, that the Members of the Council, the Judges, and all Persons in Civil or Military Employments under the Crown, or the Company, may accept Offices with Jaghires, or Salaries, from the Indian Princes; for the general Prohibition of accepting from Persons of this Description, in the subsequent Clause, is expressed in the same Terms as the preceding, with this sole Distinction, that the Clause respecting the Judges and Council alone prohibits the Acceptance from any Persons whatsoever, I am therefore of Opinion, that the Appointment is illegal, as contrary to the Intention of the Act of the 13th George III. and subversive of the Object of the Legislature, in the Institution of a Supreme Court. I cannot forbear to add, that the Example of a Chief Justice, one Day summoning the Governor General and Council before his Tribunal, for Acts done as Council, and the next, accepting Emoluments nearly equal to his original Appointment, to be held during the Pleasure of the

## A P P E N D I X, N<sup>o</sup> 3, 4.

same Council, is in itself pernicious ; and should this Appointment be confirmed, Opposition, right or wrong, to Government on the Seat of Justice, may become a sure Road to Preferment ; and we may see future Judges leading Examples of that Corruption, which they were intended to punish and prevent.

Geo. Rous.

Inner Temple,  
Dec<sup>r</sup> 20th 1781.

Temple, Dec. 22, 1781.

The Solicitor General presents his Compliments to Mr. Smith ; and having considered further the Question relating to the late Appointment of Sir Elijah Impey, since he subscribed an Opinion upon it, he incloses to Mr. Smith his present Ideas upon the Subject, which he wishes to be laid before those, to whom his former Opinion is communicated.

Since I gave my Opinion upon the Question relating to the Appointment of Sir Elijah Impey to the Office of Judge of the Court of Sudder Dewannee Adaulut, great Doubts have occurred to me upon that Question ; and although there is no particular Provision in the Statute of 13th George III. Cap. 63. which seems to have been intended to prohibit any of the Judges of the Supreme Court from accepting such an Office ; yet it is by no Means clear to me, that the Acceptance of such an Office, with a Salary or other Profit annexed to it, is not forbidden or rendered illegal by that Law. The great Object of that Law was, to erect a Court of Judicature, which might more effectually controul the British Subjects within its Jurisdiction, than any former Judicature had done. The Judges who composed it, were to be named by the King ; and their Salaries are fixed by the Statute. They do not, in any Respect, depend on the India Company, except that the Company are to pay their Salaries. To give Effect to this Court of Judicature, it seems to be necessary that the Judges should be, as far as possible, independent of the Servants of the Company. I therefore doubt, whether the Acceptance of such an Office, with a Salary, especially to be held at the Pleasure of the Governor and Council, is not contrary to the Spirit and principal Intention of the Statute. If it be so, it may perhaps not be thought a great Stretch of Construction, to consider the Acceptance of such an Office and Salary, as forbidden by that Part of the 23d Section, which prohibits the Judges to accept any Reward, &c. ; but my Doubts would have been the same, from the general Principle and Object of the Statute, if the Words of that Section could not be supposed to extend to this Case. I have not been able to get the better of these Doubts, although I have been very desirous of doing it, from the great Respect I have for the Opinions of those Gentlemen, with whom I lately concurred ; and whose Judgment ought to have much more Weight and Authority than mine.

J. Mansfield.

Temple, Dec. 22, 1781.

## A P P E N D I X, N<sup>o</sup> 4.

*Extract of a Letter from the Governor General and Council in Bengal, in their Revenue Department, to the Court of Directors of the East India Company, the 25th of November 1780.*

Conf.  
28th March,  
11th April.

12th. **T**HE several important Changes which have taken Place in the Constitution and Civil Government of these Provinces, since the Period when the late President and Council adopted their Plan for the Administration of Justice, which Changes had not hitherto been provided for, in any general and uniform System, have induced us, after the most mature and attentive Consideration of the State of this Country, with Respect to its present Circumstances, and the Manners and Customs of its Inhabitants, to establish a general Plan and Set of Regulations, for the more effectual and regular Administration of Justice in the Country Civil Courts of these Provinces.

13th. By this Plan, Courts of Civil Judicature are continued in each of the Grand Divisions of Calcutta, Moorshedabad, Burdwan, Dacca, Purnea, and Patna ; over each of which Courts, a Company's covenanted Servant is appointed to preside, under the Title of Superintendent or Judge of Dewannee

## A P P E N D I X, N<sup>o</sup> 4.

Dewanee Adaulut, whose Jurisdiction is separate from, and independent of, the Provincial Councils.

14th. Care has been taken to distinguish and discriminate the particular Object of the Jurisdiction of the Provincial Councils, and those of the Superintendents of Adaulut; leaving with the former, exclusive Jurisdiction in all Matters which directly concern the Revenue, and some which may more distantly affect the Collection of it; but all Cases of Meum and Tuum, all Successions to Zemindaries, and other inheritable Lands, and Disputes of personal Property and personal Rights, on which Application may be made to them, are to be referred to the Decision of the Superintendent of Adaulut, in whom this Authority has been vested; intending, that the Time and Attention of the late Provincial Councils shall not be taken up in hearing and determining Matters of a judicial Nature, except in Cases which arise out of, or concern the Collection of, the Public Revenues; which will relieve them from a great Degree of Labour and Responsibility, and enable them to prosecute, with more Effect, the other Duties of their Station—the keeping up the Collection of the Revenues under their Charge, and preventing Oppression, by a speedy Adjustment of all Disputes and Differences which may arise in Consequence.

15th. We have in like Manner been careful to restrain the Authority of the Superintendent of Adaulut, in such particular Cases as might interfere with, or obstruct the Collection of, the Revenues; but in all Cases where the Superintendent may have Occasion to apply to the Provincial Councils for their Assistance, we have directed them to afford it to the utmost of their Power, as far as the particular Circumstances of the Case will admit; and, in general, to consider the Spirit as well as the Letter of our Regulations, and endeavour to conform thereto, by co-operating with the Superintendent, and promoting, as far as may depend on them, the Administration of Justice, in the respective Divisions under their Authority.

16th. For the several Rules and Ordinances contained in the Plan, and for the Oath administered to each Superintendent before he was invested in his Office, we beg Leave to refer you to the Proceedings noted in the Margin, in which the Plan itself is recorded: We also transmit a Copy of it, Conf<sup>d</sup>. 28th March. a separate Number in the Packet.

17th. The Superintendents have been allowed a Salary of One thousand Sicca Rupees, and Three hundred Sicca Rupees each per Month for House Rent, in lieu of all Contingencies; the Amount of which, together with that of their Establishments of Officers and Servants, will, we hope, be in a great Measure defrayed by the Fees or Commission which the Regulations direct to be levied, at specific Rates, on the Process and Decision of all Causes, of which they may take Cognizance.

18th. The inferior Dewanee Courts being, by their Constitution, all made amenable to a superior Court, called the Sudder Dewanee Adaulut, or Court of Repeal and Revision, the Duties of which the Board had hitherto reserved to be executed by itself, though it had not held any immediate Proceedings in Consequence; the Governor General, to whose Minute on the Subject we beg to refer you for the Grounds of the Motion which followed it, proposed, That the Chief Justice should be requested to accept of the Charge and Superintendency of the Office of Sudder Dewanee Adaulut, under its present Regulations, and such others as the Board should think proper to add to them, or to substitute in their stead; and that on his Acceptance of it, he should be appointed to it, and styled The Judge of the Sudder Dewanee Adaulut. Conf<sup>d</sup>. 29th Sept.

19th. The Governor General's Motion being resolved in the Affirmative; and the Offer made in Consequence to the Chief Justice, he accepted of the Office; and has been appointed to it accordingly. Conf<sup>d</sup>. 24th Oct.

20th. For our separate Opinions on this Subject, and for some additional Regulations which have been proposed for the Chief Justice, since his Appointment, and confirmed by us for the Sudder and inferior Dewanee Adauluts, we request your Reference to the Proceedings noted in the Margin; Copies of which Minutes and Regulations are also transmitted Numbers in the Packet. 24th Oct. 3d Nov.

*Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 28th March 1780.*

As several important Changes have taken place in the Constitution and Civil Government of these Provinces, since the Period when the late President and Council adopted their Plan for the Administration of Justice; and as these Changes have not hitherto been provided for in any general and uniform System, the Governor General and Council therefore, after maturely and attentively considering the State of this Country, with respect to its present Circumstances, and the Manners and Customs of its Inhabitants, have resolved, That the following general Plan and Regulations shall now be established, for the more effectual and regular Administration of Justice in the Country Civil Courts of these Provinces.

## A P P E N D I X, N° 4.

1st. That there shall continue to be Courts of Civil Judicature in each of the grand Divisions of Calcutta, Moorshedabad, Burdwan, Dacca, Purnea, and Patna; and that over each of these Courts, a Company's covenanted Servant shall preside, under the Title of Superintendent of Dewannee Adaulut.

2d. That the Superintendent of each Dewannee Adaulut shall be appointed by the Governor General and Council, and that his Jurisdiction shall be separate from, and independent of, the Provincial Councils.

3d. That the Provincial Councils already established, shall continue to try and decide, in the same Manner as they have hitherto been allowed to practise, on all Causes which have an immediate Relation to the Public Revenue; such as Demands of Government on Zemindars, Talookdars, Chowdries, Farmers, Muthaaheds, Woodadars, Securities, Aumils, Tasseeldars, Etmaumdars, Shaikdars, or others employed in the Collections, or any ways responsible for the Revenues immediately under the Provincial Councils; Demands of Zemindars, Talookdars, Chowdries, Farmers, Muthaaheds, Woodadars, Securities, Aumils, Tasseeldars, Etmaumdars, Shaikdars, &c. on their under Farmers, Malzamins, inferior Landholders and Collectors, or others from whom Rents or revenues are immediately due to them; and, in short, all Demands for Rents or Revenues of Persons employed in the Collection of them, either officially or hereditary, in the different Gradations downwards, from Government to the Ryots, or immediate Occupants of the Soil. And again, in the same Manner, all Complaints of Ryots and Persons of any of the other above-mentioned Denominations, against the Persons to whom they pay Revenue in the different Gradations upwards, for irregular and undue Exactions, and in general, for all Oppressions which do not fall under the Cognizance of the Fouzdarry Courts. The Provincial Councils shall further try and decide all Disputes relative to Boundaries, except within the Town of Calcutta and Limits of Panchanum Gung, or 55 Dhees, which are to be reserved to the Superintendent of the Calcutta Adaulut, as being likely to take up too much of the Time and Attention of the Provincial Council, from the Number and Intricacy of the Suits which may be expected to arise about the Bounds and Limits of landed Property; and also all Claims for Money lent to Zemindars, Talookdars, and Chowdries, for the Payment of the Revenue.

4th. That all Causes of Inheritance to Zemindarries, Talookdarries, Chowdrahies, or other real Property; all Mercantile Disputes, all Matters of Personal Property, all Disputes about the Bounds and Limits of landed Property within the Town of Calcutta and Limits of Panchanum Gung, or 55 Dhees; and in short, all other Causes of a Civil Nature, not described in the Third Article of these Regulations, shall be subject to the Jurisdiction of the Superintendent of the Court of Dewannee Adaulut.

5th. That the Superintendent of the Dewannee Adaulut shall hold his Courts Three Times in every Week, and as frequently as Occasion may require; but that no Cause shall be heard or determined, except in open Court, and in the Presence of some of the principal Officers.

6th. That the Process observed for trying Causes in the Provincial Dewannee Adaulut, shall be as follows:

- First, To file and read the Petition of the Complainant.
  - Secondly, To summon the Defendant, and require Security from him to answer the Plaint, which, if he does not give, the Superintendent may either confine him by Peons, or otherwise, at his Discretion; to allot a limited Time for the Defendant to give Answer, which, when received, shall also be filed and read.
  - Thirdly, To hear the Parties, vivâ voce, and if necessary, examine Evidences: And
  - Lastly, To pass Decree,
- That if in adhering to this Order of Process, the Defendant shall evade or delay giving Answer within the limited Time, the Court shall proceed to hear and try the Cause, ex parte; and to give Judgment according to the Evidence before them.

7th. The Petition or Plaint being the Foundation of the Cause, must be an authentic Document, and signed or sealed by the Plaintiff, or his authorized Vacqueel, and contain a particular State of the Case. No Plaint to be registered, except in this Form, and delivered either by the Plaintiff in Person, or by a Vacqueel or Vacqueels, having written Authority from him; the Name of such Vacqueel or Vacqueels to be registered; and none but authorized Vacqueels to be allowed to speak in the Cause.

The same Rules must be observed by the Defendant in his Answer, and in the Rejoinders, or Replies, which may follow. The Superintendent to summon Witnesses by Tullub, and to inflict moderate Fines, or punish by Imprisonment, for Non-attendance.

8th. That all Causes shall be brought before the Court, and the Process conducted in the Order in which the Plaints are filed, and the Evidences and Exhibits prepared.

## A P P E N D I X, N<sup>o</sup> 4.

9th. That complete Records shall be kept in the following Form: That at the Conclusion of every Trial, the Petition, Answer, Rejoinder, and what other Reply may follow, Evidence, Orders of Court, in the Order they are made; and lastly, the Decree or Judgment, be written on a Roll of strong Paper, and authenticated by the Seal of the Court, the Signature of the Superintendent, and countersigned by the different Officers, and delivered in this Form to the Keeper of the Records, who is to be answerable for the same. The above to be deemed a complete Record of the Trial, and Copies thereof, under the Seal of the Keeper of Records, to be given to all Persons applying to him for the same, on Payment of a certain Fee, as shall hereafter be specified; and such Copies so authenticated, to be deemed and received as Evidence in any other Court of Dewannee Adaulut, and in the Court of Appeals.—This Record to be kept in the Persian, or Bengal Language, as the Petitions and Answers, or Exhibits, are delivered; but the Orders of Court to be in Persian, and no English Petitions to be registered.

10th. That each Superintendent shall keep an Abstract Register of his Adaulut in English, containing the Names of the Plaintiff and Defendant, the Substance of the Suit, the Substance of the Decree, the Date of the Cause being filed, and the Date of the Decree being passed; and this Abstract shall be transmitted Monthly to Sudder Dewannee Adaulut.

11th. All Warrants for Parties to appear before the Dewannee Adaulut, shall issue from the Adaulut, under the Seal of the Court and the Signature of the Superintendent; but the Chief of the Provincial Council may, of his own Authority, issue his Warrant under the Seal of the Provincial Council, for apprehending any Person who he may require to answer any Charge before the Dewannee Adaulut, in Cases which he shall judge of such Urgency as to require it.

12th. All Decrees of the Adaulut shall be issued under the Seal of the Court, and signed by the Superintendent; and Copies shall be delivered by the Superintendent himself, in the public Cutcherry.

13th. The Superintendent of the Adaulut, shall issue his Summons under the Seal. He shall not summon the Mofussil Farmers, or Zemindars, or Persons employed in the Collections immediately under the Provincial Council; but he may order their Vacqueels to appear, and in Case of their not sending Vacqueels properly authorized, he is to apply to the Chief and Provincial Council, to summon the Parties themselves, as directed in the 14th Article.

He may summon inferior Persons from the Mofussil, under the following Restrictions, viz. That he shall not send Peons, or any other Persons with Authority, into the Lands belonging to the Zemindars and Farmers, excepting only on such Occasions as shall indispensably require it, for the immediate Execution of Justice.

That on such Occasions, a Warrant, under the public Seal, and signed by the Superintendent, shall be given in Writing to the Officers employed, and be recorded in the judicial Proceedings, with the Reasons for issuing it; but that no Person be summoned on ordinary Occasions, excepting by a Tullubchitty to the Farmer, or Order, requiring him to produce the Person summoned in a certain Space of Time. That the Superintendent shall further avoid, as studiously as possible, summoning any Persons from the Mofussil, who are any Ways connected with the Revenue, during the Months of Badhoon, and Assin, and Augun, and Poos, unless in Cases which call for an immediate Enquiry.

14th. Should the Superintendent require the personal Attendance of Farmer, Zemindar, or Collector, he must make Application to the Chief or Council, who, if they judge it proper, will issue a Summons to such Farmer, or Zemindar, or Collector, under the Provincial Seal and Signature of the Chief and Dewan; but in all Cases where they think proper to decline issuing such Summons, at the Requisition of the Superintendent, they shall assign their Reasons, by Letter, to the Governor General and Council, for such Refusal.

15th. It shall be the Duty of the Superintendent to prevent the Interference of his private Servants, in any Cause depending, or intended to be brought on, before his Court, and to prevent them from having any Connection with the Parties.

16th. It shall be observed as a Rule of the Adaulut, to set down from among the Causes, in the Order in which they stand upon the File, such as are ready for hearing; and to give proper and timely Notice to the Parties, of the Day on which they will come to be heard.

17th. All Arzees, on being presented, shall be signed and numbered by the Superintendent, and copied in a Book by a Moherre or Officer of the Court; but they shall on no Account be delivered to any other Officer, but the one whose particular Duty it shall be to copy and register them.

18th. And furthermore, to prevent the Abuse of private Influence from obstructing or diverting the Course of Justice, it is hereby declared, That every Officer of the Dewannee Adaulut, or any Servant or other Dependand of the Superintendent, who shall be convicted of receiving Money, or



## A P P E N D I X, N° 4.

other valuable Consideration, directly or indirectly, from any Party in a Suit depending before the Adaulut, shall be punished in an exemplary Manner, either by Fine, Imprisonment, or corporal Punishment, at the Discretion of the Superintendent.

19th. That as the Litigiousness and Perverseness of the Natives of this Country, in their Suits and Complaints, are often productive not only of Inconveniencies and Vexation to their Adversaries, but also of endless Expence, and actual Oppression; it is to be observed as a Standing Rule, that Complaints of so old Date as Twelve Years, shall not be actionable, unless where the Complainant can shew, by clear and positive Proof, that he had actually demanded Payment of the Sum in Question, or otherwise directly preferred his Claim for the Matter in Dispute, within that Period, and prove to the Satisfaction of the Superintendent, that either from Minority, or other good and sufficient Cause, he had been precluded from the Means of procuring Redress; in which Cases the Superintendent of the Adaulut, seeing good Causes, is to admit the Suit.

20th. That if the Parties should be found guilty, as is often the Case, from Litigiousness and Perverseness, of flying from one Court to another, in order to prevent and protract the Course of Justice, the Party so transgressing shall be considered as Non-suited; and according to his Degree in Life, and the Notoriety of the Offence, be liable to Fine, Imprisonment, or corporal Punishment.

21st. That as Cases may occur, in which it will be highly necessary, for the Welfare of the Crust and restrain trivial and groundless Complaints, and to deter and Intrigue, which Passions among the People often work to the undoing of their Neighbours, a Discretion shall, in such Case, be left to the Superintendent, either to impose a Fine, not exceeding Five Rupees, or inflict a corporal Punishment, not exceeding Twenty Lashes with a Rattan, according to the Degree of the Offence, and the Person's Station in Life.

22d. That Interest shall not be taken by Creditors or admitted by the Superintendent of the Dewannee Adaulut, either in Cases of past Loans, above the Rates established in the 18th Article of the former Plan for the Administration of Justice, namely on Sums not exceeding One hundred Rupees, Principal and Interest, at Rupees 3, 2, per Cent. per Menssem, or Half an Anna at the Rupee.

On Sums above One hundred Rupees Principal, an Interest of Two Rupees per Cent. per Menssem. The Principal and Interest to be discharged according to the Conditions of the Bond; and all Compound Interests arising from an intermediate Adjustment of Accounts, to be declared unlawful, and prohibited. And in Cases of future Loans, no higher Interest to be allowed than Two per Cent. per Menssem, or Twenty-four per Cent. per Annum, where the Principal shall be under One hundred Rupees; and One per Cent. per Menssem, or Twelve per Cent. per Annum, where the Principal shall exceed One hundred Rupees; and Publication of this to be made.

When a Debt is sued for upon a Bond which shall be found to specify a higher Interest than the established Rates, the Interest shall be wholly forfeited to the Debtor, and the Principal only recoverable; and that all Attempts to elude this Law, by Deductions from the original Loan, under whatever Denomination, shall be punished by a Forfeit of a Moiety of the Amount of the Bond to the Government, and the other Half to the Debtor.

It shall be further in the Discretion of the Superintendent, in Cases of past Loans, on a Review of the Circumstances of the Debt, and Condition of the Debtor, to settle the Payment of the Debt according to a known and established Custom of the Country; namely, where the Interest has accumulated so as to exceed the Principal, to reduce it to One Half of the Principal; or where the Interest has exceeded One Half of the Principal, to reduce it to a Quarter.

23d. That all Bonds shall in future be executed in the Presence of Two subscribing Witnesses; and Publication hereof made. This not however to apply to Bills of Exchange, Receipts, or Notes of Hand, in which the Custom of the Country is to be referred to and abided by.

24th. That whereas it has been too much the Practice in this Country, for Individuals to exercise a judicial Authority over their Debtors, a Practice which is not only in itself unlawful and oppressive, seeing a Man thereby becomes the Judge in his own Cause, but which is also a direct Infringement of the Prerogative and Power of the regular Government: That Publication shall therefore be made, forbidding the Exercise of all such Authority, and directing all Persons to prefer their Suits to the established Court of Adaulut; and that the Superintendent shall particularly attend to this Regulation; which, it is apprehended, will prove the Means of Relief to the helpless Ryott, from the merciless Creditor, the Money-lender. But that the Superintendent for the Relief of the poorer People, shall have the Power of referring Causes not exceeding One hundred Rupees, to Zemindars or public Officers, or Arbitrators chosen by the Parties, residing near the Spot where the Cause of Action shall have arisen; subject however to his Revival, in Cases of flagrant Injustice or Partiality.

25th. That in all Cases of disputed Property regarding Lands, Houses, &c. where a local Investigation is required, an Aumeen shall be chosen, with the mutual Consent of the Parties, or if they cannot agree in the Choice of one Person, each shall have the Privilege of nominating his own; or if they neglect

## A P P E N D I X, N<sup>o</sup> 4.

neglect to do either, the Superintendent shall appoint one for them. The Superintendent shall decide on the Report of Circumstances, as delivered by the Aumeen, or on their joint Report in Case there are Two.

The Superintendent is also to attend, that the Aumeens do not accumulate Expences, by unnecessary Delays, but that their Scrutiny and their Wages be limited to the Time he judges sufficient for performing the Service in Question; the Expence of the Enquiry to be defrayed by the Person who is cast.

26th. That in all Cases of disputed Accounts, Partnership, Debts doubtful or contested, Bargains, Non-performance of Contracts, and so forth, it shall be recommended to the Parties, to submit the Decision of their Causes to Arbitration, the Award of which shall become a Decree of the Dewannee Adaulut.—The Choice of the Arbitrators is to rest with the Parties, but they are to decide the Causes without Fee or Reward.

The Superintendent on the Part of Government, is to afford every Encouragement in his Power to the Inhabitants of Character and Credit to become Arbitrators; but is not to employ any coercive Means for that Purpose.

27th. That in all Suits regarding Inheritance, Marriages, and Cast, and other religious Usages or Institutions, the Laws of the Koran with Respect to Mahomedans, and those of the Shaster with Respect to Gentoos, shall be invariably adhered to.—On all such Occasions, the Molavies, or Brahmans, shall respectively attend to expound the Law, and they shall sign the Report, and assist in passing the Decree.

28th. That the Superintendent of the Dewannee Adaulut, shall have a Right of decreeing, to the Party in whose Favour Judgment is given, any specified Sum of Costs within the real Amount, or in general to decree with Costs. The Bill in both Cases to be taxed by the Superintendent.

29th. That on the Decree being passed, the Superintendent may enforce it, by ordering an Attachment of the Person of the Party who is cast, or the Sale of his Effects at Auction; or by giving to the Party who hath carried his Cause, Possession of the Property comprehended under the Decree.

That it shall however be left to the Good Will of the Parties, and finally to the Discretion of the Superintendent, in some Cases to adjust the Payment by a Kistbundee, taken from the Party who is cast.

30th. That the Decree of the Dewannee Adaulut shall be final in all Cases, for Sums not exceeding Sicca Rupees 1000, for alienated or free Lands, in which the Jumma or Annual Revenue of Government doth not exceed Rupees 1000.

31st. That where the Sum or Value decreed, whether in Money, Effects, or Lands, shall exceed the above Amount, an Appeal shall lie from the Decree of the Superintendent of the Dewannee Adaulut, to the Governor General and Council in the Court of Sudder Dewannee Adaulut.

32d. That the Appeal must be made within 10 Days after the Decree, and is to be noted in the Margin of the Trial: And that, as it may be a Discouragement to the Appellant, to present his Petition of Appeal to the same Person who has decided against him in the first Instance, that all Petitions of Appeal against Decisions of the Superintendents of Adaulut, shall be presented to the Chief and Provincial Council of the respective Division, who are to transmit the same without Delay, to their Governor General and Council, in their Department of Sudder Dewannee Adaulut.

33d. That no Appeals shall be received from an Award of Arbitration, unless the Arbitrators shall have been previously tried and convicted in any Phousdarry Court, of Subornation of Witnesses, of a Collusion with the Parties, of having received any Bribe or Consideration for their Award; or unless the Witnesses, on whose Testimony the Cause in Question was decreed, shall have been previously tried and convicted in any Phousdarry Court, of having given false Evidence in the said Cause; but that all criminal Accusations, although arising from any Cause heard and decreed in the Dewannee Adaulut, are cognizable only by the Phousdarry Court.

34th. That Persons found guilty of preferring groundless, litigious, or vexatious Appeals, shall be punished, at the Discretion of the Governor General and Council, by an Enhancement of the Costs, which shall be given to the Respondent as a Compensation for the Trouble and Expence he shall have sustained.

35th. That in Cases where an Appeal is made from the Decree of the Superintendent to the Governor General and Council, the Appellant, if Defendant in the original Suit, on delivering his



## A P P E N D I X, N<sup>o</sup> 4.

his Petition of Appeal, shall be obliged to deposit the Amount of the Decree, or give good and sufficient Security for the Payment of the Decree, in case it should afterwards be confirmed by the Governor General and Council; the Costs to be immediately paid.

36th. That a Commission shall be taken on every Plaint filed at the Commencement of a Cause, in the Proportion of the Sums or Value sued for in the Bill of Plaint; the Rates of Commission to be as follows;

On all Sums not exceeding	1,000, 5 per Cent.
On all D <sup>o</sup>	D <sup>o</sup> 5,000, 4 per Cent.
On all D <sup>o</sup>	D <sup>o</sup> 10,000, 3 per Cent.
On all Sums above	10,000, 2 per Cent.

That where the Suit is for Property in Lands, the Lands shall be estimated according to their annual Produce or Jumma; that is to say, alienated or free Lands, at Ten Times the Amount of their Annual Produce; and Malguzary Lands, at the Amount of One Year's Jumma or Revenue of Government; and the Commission taken on filing the Plaint, shall be calculated accordingly.

37th. That every Plaint must necessarily state the Sum or Value, and in Disputes regarding Land, the Annual Produce or Jumma, of the Subject of the Suit.

38th. That the full Commission shall be deposited by the Plaintiff, at the Time of filing the Bill of Plaint; but on the Decree being passed, the Defendant shall be immediately compelled to pay the Amount of the Commission, due on the Sum against him, calculated at the same Rent or per Centage as that which was originally deposited by the Plaintiff; and the Amount so extracted from the Defendant, shall be repaid by the Court to the Plaintiff.

39th. That in Cases of Appeal, the Appellant shall be obliged to deposit a further Commission, equal to One Half of the Sum originally deposited by the Plaintiff, which, in case the Appellant carries his Appeal, and obtains a Reversal of the Decree of the Provincial Adaulut, shall afterwards be recovered from the Respondent, and paid to him.

40th. That Fees shall be established on every Tullubchitty, Perwannah, or written Order of whatever Kind, issued during the Course of the Cause; to be extracted from the Party at whose Application such Order is issued; and that Fees shall also be taken on every Exhibit, at the Rate of Two Annas per Sheet.

41st. That the Sums received agreeable to the 36th, 38th, 39th, and 40th Articles of these Regulations, either on Account of Commission, or for Fees, or Orders, and Exhibits, shall be reserved and appropriated by the Superintendent, as a Fund for defraying the Charges of the Court; and that the Superintendent shall deliver Monthly, to the Governor General and Council, a particular Account of his Receipts and Expenditures.

42d. That the Superintendent, on all Points which have not been expressly provided for by these Regulations, shall act discretionally, and according to the best of his Judgment; and that he shall not be removable from his Office, except at his own Requisition, or on Proof of some Misdemeanor.

43d. That the above Rules shall be read over to each Superintendent before he is invested with his Office; and that he shall be required to take the following Oath: "I do swear, That I will administer Justice to the best of my Ability, Knowledge, and Judgment, without Fear, Favour, Hope, or Reward; and that I will not receive, directly or indirectly, any Presents, or Nuzzers, either in Money or in Effects of any Kind, from any Party in any Cause, or from any Person whatsoever, on Account of any Suit to be instituted, or which may be depending, or have been decided in the Court of Adaulut, under my Jurisdiction, nor will I knowingly permit any Person or Persons under my Authority, or in my immediate Service, to receive, directly or indirectly, any Presents or Nuzzers, either in Money or in Effects of any Kind, from any Party in any Cause, or from any Person whatsoever, on Account of any Suit to be instituted, or which may be depending, or have been decided, in the Court of Adaulut, under my Jurisdiction; and that I will render true and faithful Account of all Sums received for Commissions on Causes, and Fees of Court, and of all Expenditures."

That these Regulations shall be considered as binding, only until a new Arrangement shall be made by Authority of Parliament.

## A P P E N D I X, N. 4.

*Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 11th April, 1780.*

Read again, the Plan entered in Consultation the 28th ultimo, for the Administration of Justice in these Provinces.

Agreed, That it be carried into Execution.

Agreed, That the Superintendents of Adaulut be allowed a monthly Salary of One thousand Sicca Rupees, and an Allowance of Three hundred Sicca Rupees for House Rent, in lieu of all Contingencies.

The Governor General recommends the following Persons to be appointed Superintendents of the respective Adauluts.

Calcutta,	Mr. Thomas Dugald Campbell.
Moorshedabad,	Mr. Edward Otto Ives.
Burdwan,	Mr. Hugh Ausler.
Dacca,	Mr. Alexander Duncanson.
Dinapore,	Mr. Benjamin Grindall.
Patna,	Mr. John Guichard Booth.

Agreed, That the above Gentlemen be appointed accordingly.

Agreed, That the Plan be notified to the Provincial Councils in the following Letter:

(Circular.)

*To Mr. David Anderson, Chief, &c. Council of Revenue at Calcutta.*

Gentlemen,

We now inclose you a Set of Regulations, which we have thought proper to establish for the Administration of Justice in these Provinces, and require your particular Attention and strict Adherence to the Rules and Ordinances contained therein.

We likewise direct you to give every Assistance and Support in your Power to the Superintendents of Adaulut, in the Performance of the particular Duties assigned to them; and to give Force and Effect to the Regulations themselves.

We have been careful to distinguish and discriminate the particular Objects of your Jurisdiction, and those of the Superintendents of Adaulut, and have left with you exclusive Jurisdiction in all Matter which directly concern the Revenue, and some which may more distantly affect the Collection of it; and these we think proper that you should carefully retain and exercise; but that you refer all Cases of Meum and Tuum, and Disputes of Personal Property and Personal Rights, on which Application may be made to you, to the Decision of the Superintendent of Adaulut, in whom we have thought proper to vest this Authority; meaning, that your Time and Attention shall not be taken up in hearing and determining Matters of a judicial Nature, except in Cases which arise out of or concern the Collection of the Public Revenue, which will relieve you from a great Degree of Labour and Responsibility, and enable you to apply with more Effect to the Performance of the other Duties of your Station, the keeping up the Collection of the Revenues under your Charge, and preventing Oppressions by a speedy Adjustment of all Disputes and Differences which may arise in consequence.

You will observe, that we have been careful to restrain the Authority of the Superintendent of Adaulut, in such particular Cases as might interfere with, or obstruct the Collection of the Revenues, by prohibiting him from sending Persons with Authority into the Lands of the Zemindars or Farmers, or calling Persons from the Mofussil during the Months of the heavy Collection, or summoning Farmers, Zemindars, or Collectors of the Revenue, except through the Medium of your Board. But in all such Cases where the Superintendents may have Occasion to apply to you for your Assistance, it is our Directions that you afford it to the utmost of your Power, as far as the particular Circumstances of the Case may admit; and in general, that you consider the Spirit as well as the Letter of these Regulations, and endeavour to conform thereto, by co-operating with the Superintendent, and promoting, as far as may depend on you, the Administration of Justice in the Division under your Authority.

## A P P E N D I X, N<sup>o</sup> 4.

We have appointed Mr. Thomas Dugald Campbell Superintendent of Adaulut for your Division; whom you will therefore call before you, and having read over to him the Regulations, tender him the Oath prescribed by the 43d Article, before he is invested with his Office. The Oath must be entered in a Book kept for that Purpose; and after it has been administered, must be signed by the Superintendent.

The Salary of the Superintendent has been fixed at 1,000 Sicca Rupees, with an Allowance of 300 Sicca Rupees per Month for House-rent, in lieu of all Contingencies.

Fort William,  
the 11th April 1780.

We are, &c.

The same to Moorshedabad,	Mr. Ives.
Burdwan,	Mr. Aulster.
Dacca,	Mr. Duncanfon.
Dinagepore,	Mr. Grindall.
Patna,	Mr. Booth.

Ordered, That the Secretary do advise the Superintendents of the Adauluts, of their Appointments, and furnish them with Copies of the Regulations for their Guidance.

*Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 29th September 1780.*

The Governor General delivers in the following Minute, which he requests may be entered in this Day's Proceedings; but the Subject of it being of too much Importance for any immediate Decision, that it lie for Consideration till the next Meeting of the Board.

Governor General.—The Institution of the new Courts of Dewannee Adaulut has already given Occasion to very troublesome and alarming Competitions between them and the Provincial Councils, and too much Waste of Time at this Board. These, however, manifest the Necessity of giving a more than ordinary Attention to these Courts, in the Infancy of their Establishment, that they might neither prevent the Purposes, nor exceed the Limits of their Jurisdiction, nor suffer Encroachments upon it.

To effect these Points, would require such a laborious and almost unremitted Application, that however urgent or important they may appear, I should dread to bring them before the Consideration of the Board, unless I could propose some Expedient for that End, that should not add to the Weight of Business with which it is already overcharged.

That which I have to offer, will, I hope, prove rather a Diminution of it.

By the Constitution of the Dewannee Courts, they are all made amenable to a superior Court, called the Sudder Dewannee Adaulut, which has been commonly, but erroneously, understood to be simply a Court of Appeals. Its Province is, and necessarily must be, much more extensive. It is not only to receive Appeals from the Decrees of the inferior Courts, in all Causes exceeding a certain Amount; but receive and revise all the Proceedings of the inferior Courts; to attend to their Conduct, to remedy their Defects, and generally, to form such new Regulations and Checks, as Experience shall prove to be necessary to the Purposes of their Institution.

Hitherto the Board has reserved the Office to itself; but hath not yet entered on the Execution of it; nor, I will venture to pronounce, will it ever, though Half of its Time were devoted to this simple Department.

Yet, without both the Support and Controul of some powerful Authority held over them, it is impossible for the Courts to subsist; but they must either sink into Contempt, or be perverted into the Instrument of Oppression.

This Authority, I repeat, the Board is incapable of executing; and if delegated to any Body of Men, or to any individual Agent, not possessing in themselves some Weight, independent of mere official Power, it will prove little more effectual. The only Mode which I can devise to substitute for it, is included in the following Motions; which I now submit, on the Reason premised, to the Consideration of the Board:

That the Chief Justice be requested to accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such other as the Board shall think

## A P P E N D I X, N<sup>o</sup> 4.

think proper to add to them, or to substitute in their Stead ; and that on his Acceptance of it, he be appointed to it, and stiled “ The Judge of the Sudder Dewannee Adaulut.”

I shall beg Leave to add a few Words in Support of this Proposition, on different Grounds.

I am well aware, that the Choice which I have made for so important an Office, and one which will minutely and nearly overlook every Rank of the Civil Service, will subject me to much popular Prejudices ; as its real Tendency will be misunderstood by many, misrepresented by more, and perhaps dreaded by a few.—I shall patiently submit to their Consequences, because I am conscious of the Rectitude of my Intentions, and certain that the Event will justify me, and prove, that in whatever Light it may be superficially viewed, I shall be found to have studied the true Interest of the Service, and contributed the most effectually to its Credit.

The Want of legal Powers, except such as are implied in very doubtful Constructions of the Act of Parliament, and the Hazards to which the Superiors of the Dewannee Courts are exposed in their own Persons, from the Exercise of their Functions, has been the principal Cause of their Remissness, and equally of the Disregard which has been in many Instances shewn to their Authority. They will be enabled to act with Confidence ; nor will any Man dare to contest their Right of acting, when their Proceedings are held under the Sanction and immediate Patronage of the First Member of the Supreme Court, and with his Participation, in the Instances of such as are brought in Appeal before him, and regulated by his Instructions. They very much require an Instructor, and no one will doubt the superior Qualifications of the Chief Justice, for such a Duty.

It will be a Means of lessening the Distance between the Board and the Supreme Court, which has perhaps been, more than the undefined Powers assumed to each, the Cause of the Want of that accommodating Temper, which ought to have influenced their Intercourse with each other. The Contention in which we have been unfortunately engaged with the Court, bore, at one Time, so alarming a Tendency, that I believe every Member of the Board foreboded the most dangerous Consequences to the Peace and Resources of this Government from them. They are at present composed, but we cannot be certain that the Calm will last beyond the actual Vacation, since the same Grounds and Materials of Disunion subsist ; and the Revival of it, at a Time like this, added to our other Troubles, might, if carried to Extremities, prove fatal.

The Proposition which I have submitted to the Board, may, nor have I Doubt that it will prove an Instrument of Conciliation with the Court, and will preclude the Necessity of its assuming a Jurisdiction over Persons exempted, by our Construction of the Act of Parliament, from it. It will facilitate and give Vigour to the Course of Justice ; it will lessen the Cares of the Board, and add to their Leisure for Occupations, more urgent and better suited to the Genius and Principles of Government : Nor will it be any Accession of Power to the Courts ; even that Portion of Authority, which is proposed to be given, given only to a single Man of the Court, and may be revoked, whenever the Board shall think it proper to resume it.

*Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 24th October, 1780.*

The Governor General's Minute, concerning the Sudder Dewannee Adaulut, recorded in the last Consultation, having been sent in Circulation, for the Opinions and Decision of the Board ; the Opinions delivered thereon are entered in the Order in which they were received.

Mr. Francis.—I have not had sufficient Time to give this important Proposition all the Consideration it deserves: The Reflections which it suggests, must be stated hastily as they occur. That this is a fresh Innovation, succeeding many others, in the Administration of Justice to the Natives of this Country, is of itself a weighty Objection. All Innovations of this Nature are dangerous, especially in a Country, whose Government cannot divide or surrender any of its Powers, without lessening the Respect, and hazarding the Obedience of its Subjects. On this Principle we contended for the exclusive Jurisdiction of the Governor General and Council, as Dewan over the Zemindars, Landholders, and Landed Property of this Country. In my Judgment, the Proposition amounts to a direct Contradiction or Desertion of every Thing we said, or did, in the Case of the Rajah of Cossijurah. As such it will be naturally received and understood by the Natives. They cannot distinguish between the Chief Justice and the Supreme Court ; or if the Distinction could possibly be explained to them, and if they could be satisfied, that in fact it was not intended to reinstate the Court in the Exercise of the Jurisdiction which it had claimed, and which we had resisted, it is probable they would think that some greater Evil was to befall them. I hope it is unnecessary for me to say, that no Idea of personal Disrespect to the Chief Justice can be intended, in any Thing I shall offer on the public Question before me: If any Expression that may appear to have such a Tendency, should escape me, I disclaim it. I mean to examine the proposed Institution in its own Merits, and the Difficulties

## A P P E N D I X, N° 4.

ties it may be subject to as a public Measure, without Reference to the personal Character or Qualifications of any Individual.—I shall follow the Reasoning of the Governor General's Minute, in the Order in which he has placed it.

1st. If the Institution of the new Court has already given Occasion to Competitions between the Provincial Councils, and the Dewannee Adauluts, it is *our* Business and Duty to put an End to them by *our* Authority, which is direct, and sufficiently coercive over both Parties. We ought to draw the Line between them, and insist on their respective Submission to the Limitation described by it. I do not think, that to effect this Point, would require any very laborious Application on our Part. Our Administration wants Vigour, not Time, to execute all its Duties. One Punishment would have more Effect than a Thousand Regulations. But if the Argument were well founded, how is the Difficulty removed, by transferring this laborious Service to the Chief Justice, who is already so overloaded with the Business of the Supreme Court, that he finds it impossible to assist his Brethren as acting Justices of Calcutta, and therefore is very justly excused from sharing with them in the Toil of that troublesome Office?

2d. The Sudder Dewannee Adaulut, I know, has been commonly, but I do not think it is erroneously, understood to be simply a Court of Appeals. The 6th Article of the Plan for the Administration of Justice, provides, *That the Dewannee Sudder Adaulut shall receive and determine Appeals from the Provincial Dewannee Adauluts*; and it says no more. If its Province be, and necessarily must be, *much more extensive*, the Extent of it should be accurately described and defined. For my own Part, I know not where to look for this necessary Definition; but I know that a Jurisdiction not so defined, either has no Power at all, or it is despotic. A Court of Appeal, as such, can do nothing but receive Appeals from the Decrees of inferior Courts. If it is to receive and revise *all* the Proceedings of such Courts, it must itself cease to be a Court of Appeal; for what Suitor will appeal to a Superior Court, which has already revised, approved, and confirmed the very Proceedings by which he thinks himself injured? If a Court of Appeal adheres to the true Principles of its Institution, it should know nothing of the Proceedings of the inferior Court, until an Appeal from the Decree of that Court, comes regularly before it. If it has already approved of the Proceedings below, it is, *instanter*, a Party, and cannot be Judge.

As to the other Duties proposed, “of attending to their Conduct, of remedying their Defects, and forming new Regulations, &c.” these are Objects for the legislative Power of the Country, which, I understand, *quoad hoc* at least, is exclusively and unalienably vested in the Governor General and Council.

3d. I am of Opinion that the Office might be exercised by the Board, or by any Two Members of it; and that Two or Three specific Days allotted in a Month to this Duty, would be sufficient to perform it.

4th. I must object to the Request proposed to be made to the Chief Justice, for the following Reasons: The Governor General and Council cannot, without departing from the Principles on which they have unanimously acted, establish the Sudder Adaulut on any Plan, which commits the Company's Rights, or ours, in Quality of Dewan of the Provinces, to the Custody of all or any of the Judges. The Supreme Court and Council differ widely in their Ideas of the Jurisdiction of the Court. The Chief Justice cannot be supposed to have changed the Opinions, which he has at all Times so strictly maintained; and those Opinions would lead him to submit to the Jurisdiction of the Court in many Instances, in which the Council, upon *their* Principles, would resist them. Thus the Council, by making the Chief Justice Judge of the Sudder Adaulut, would put it into the Power of the very Man with whom they have been contending, to give up what they hitherto insisted on as their essential Rights.

The great Object of this Plan, is to give Authority to the Dewannee Adauluts; but I cannot admit that the Means are likely to answer the End. The Arguments drawn from the elevated Station of the Chief Justice, have no Weight. He can carry none of the Powers of the Supreme Court into the Sudder Adaulut. When he acts under the Appointment of the Council as Superintendent, he will possess no Part of the Authority which he derives from the King's Appointment of Chief Justice. It will not prove an Instrument of Conciliation, nor prevent the Revival of Disputes, which it is said might prove fatal. It is admitted by the Governor, that the Grounds of Division still subsist; and it is certain, that the Appointment of the Chief Justice to the Sudder Adaulut, will make no Alteration in the Authority and Powers of the Supreme Court. The remaining Judges will have the same Powers which they all now possess; because the Council cannot, by new modelling the Adauluts, abridge, or in any Way affect, the Powers of the Court. If the Chief Justice carries his late Opinions into the Sudder Adaulut, the Supreme Court will obtain Strength from the Appointment: If he acts on new Principles, more conformable to those of the Council, that will raise fresh Difficulties; it will tend to make a Breach between him and the other Judges, but can never repair the Breach already subsisting between the Court and Council. I use the Language which has already been applied by us to the Judges, when I say, *That there is a Jealousy, which all Men feel for their own Power and Consequence.* The Two Puisne Judges cannot

## A P P E N D I X, N<sup>o</sup> 4.

cannot but feel themselves wounded by this partial Selection of the Chief Justice, and the Preference given to his superior Qualifications. We ought not to offer them such Cause of Offence, nor ought we to be careless of the Effects it may produce.

I conceive that the Appointment of the Chief Justice to this Office, would clash and be inconsistent with the Duties of his present Station. It would be an insuperable Bar to his acting in many Cases, in which his Duty as Chief Justice would call on him to act. Suppose a Suitor in the Adaulut should think the Judge had acted *illegally*; he might bring his Action against him in the Supreme Court; and when, upon the Principles on which the Court and the Chief Justice have particularly insisted and acted, he would be obliged to come as a Party into the Court in which he ought to preside as Chief Justice, to plead in the usual Form, and to defend himself in the usual Way; and he might be compelled to pay Damages for what he had done as Superintendent, in the same Manner that the Council at Patna were for their Proceedings against Nadara Begum. Thus his Proceedings in the Adaulut, would bring him a Party in his own Cause, and preclude him from acting in his Capacity of Chief Justice. Again; suppose a Person committed by any of the inferior Adauluts, or by the Chief Justice himself as Judge of the Sudder Adaulut, should apply to him for a Writ of Habeas Corpus; shall he refuse the Writ, because the Grounds of the Commitment are already known to him? or shall he grant it though possessed of such Knowledge, and where himself has prejudged the Question, by ordering or approving the Commitment? I cannot presume to say, how far it would be his Duty to grant the Writ at all Events; but it is evident that the Prisoner would gain nothing by obtaining it. It may be said, the Person so committed may apply for a Writ of Habeas Corpus to one of the Puisne Judges. If he succeeds (as he certainly would, if in the Opinion of the Judge there should be Reason to suppose the Commitment might be illegal) it would follow, that the Act of the Superintendent would be canvassed, and perhaps set aside by an inferior Judge of another Court, in which the Superintendent himself presides. This Case might frequently occur; and if it should ever occur, it would tend to create new Differences between the Supreme Court on the one Side, and the Sudder Dewannee Adaulut, supported by the Chief Justice of the Supreme Court, on the other.

On the whole, I think it would be improper in the Council to request the Chief Justice to take upon himself, and perhaps illegal in him to accept, an Office, which is so inconsistent with the Duties of his present Station, and which would preclude him from exercising the Trust reposed in him by the King, in many Cases of the greatest Importance; particularly those, in which the Limits of the Jurisdiction of the Court, and the Extent of the Powers vested in the Council, might come in Question.

One of the Observations with which the Governor General concludes his Argument, in Favour of his Plan, viz. "That the Portion of Authority which is proposed to be given, is given only to a single Man in the Court," appears to me a strong Objection against it. The English Government has very sparingly delegated judicial Authority to single Persons; *final Appeals*, in particular, are never permitted to be tried by a single Judge, either in England, or any of its Provinces or Dependencies. The King is, I believe, the only single Person to whom such an appellate Jurisdiction is even nominally given; and he cannot try an Appeal without the Assistance of his Privy Council: Appeals to him therefore are called Appeals to the King in Council.

This Policy has nothing to do with Trials by Jury on Principles of English Liberty, which may be thought inapplicable to Bengal; but is founded on that Justice to which the Natives of Bengal are entitled, as well as other Men. But Justice requires, that in the Constitution of a Court, Corruption be above all Things guarded against; and no Magistrate is more liable to Corruption than a Judge, in whom is vested a Power of determining Appeals, without being either checked by Associates, or controlled by any further Appeal to superior Judges. The Legislature, in establishing the Supreme Court of Judicature here, though it be not a Court of Appeal, and though an Appeal may be made from its Decisions to the King in Council, thought a Plurality of Judges necessary; and therefore created so many, that it is not likely they should be reduced by Chance to one. Mr. Hastings and his Council, when they erected the Court of Sudder Dewannee Adaulut, would not leave such Reduction in the Power of Chance, but made the Presence of Three Members essentially necessary to a Decision. If I could believe it lawful and proper for us to delegate our judicial Authority to Judges of the Supreme Court, I should think it ought rather to be given to *all* than to one. If all the Powers of the Sudder Dewannee Adaulut be vested in one Man, yet so vested, "that they may be revoked whenever this Board shall think it proper to resume them;" such a Judge may become, in the Hands of a corrupt Council, an Instrument of Oppression; the Council will not be answerable for his Decrees; and he will be, in a great Measure, protected by his judicial Capacity. The Authority given may undoubtedly be revoked whenever the Board shall think proper to resume it. The present Board cannot bind their Successors, nor even themselves, against a Change of Opinion.—But will the Chief Justice accept of such an Office, on so precarious a Footing? or, would it be respectful in us to offer it to him, with the Information which ought to accompany it, viz. That he is removable at any Time by a Resolution of the Board?

(Signed) P. Francis.



## A P P E N D I X, N<sup>o</sup> 4.

Sir Eyre Coote—As the determining upon Points relative to Law Proceedings, has fallen so little within the Limits of my Profession, I acknowledge myself inadequate to the forming a thorough Judgment concerning the Plan proposed by the Governor General.

But trusting to his full Knowledge of that Branch of Government, which he now means to bring under the Controul of Inspection, and from a real Sense of the Abilities of the Chief Justice, to render any Department of Superintendence, which should be entrusted to his Charge, no less useful and beneficial in Effect than in Idea, I give my Assent to the Measure; observing at the same Time, however, that this Assent is for the Trial of an Expedient which may be attended with favourable Consequences, and not for its absolute Establishment; and I therefore reserve to myself full Liberty to vote for the Repeal of the present Resolution, should I find it prove hereafter in any Respect detrimental, either to the great Lines of Government, or to the Community.

(Signed)

E. C.

Mr. Wheler.—No one can be more sincerely desirous than I am, of the due Administration of Justice in this Country.

By the late Act of Parliament, this Branch is divided between the Supreme Court and the Government; what the Act hath not committed to the former, it confirms to the latter; and whenever the Extent of the respective Jurisdictions is not clearly defined, or is oppositely viewed, their mutual Candour, and Regard to the Public Good, should influence: Through these Channels only can Justice flow here.

This Board, in the late Institution of Dewannee Courts of Adaulut, hath thought itself acting in the Province left to it by the Legislature, and making an effective Regulation for the Benefit of the Country. I am sorry to find, from the Governor General's Minute, that he now sees the Institution in a different Light, in both these Respects. He conceives, that "the Superiors of the Adauluts, have no legal Powers, except such as are implied in very doubtful Constructions of the Act of Parliament;" and that the Court of Appeals, established to controul their Proceedings, and support their Authority, can never prove effectual for these Purposes.—If the Institution has really these Evils in it, I am willing to deliberate upon proper Remedies for them; to reduce it, if it has exceeded the due Limit; or if it is found to be essentially defective, to agree to an essential Change in it: But at present, I must confess these Positions are not evident to me. And supposing them to be established, in the Application of Remedies we can have no Standard but the Lines marked out by the Act of Parliament; which assigns a separate Jurisdiction to each of the Two Departments, or implies the Duty of a Co-operation of both. Although I entertain all due Deference for the Chief Justice, and feel myself embarrassed by the Personality which mixes in the Question before us; yet I must beg Leave to say, that the Expedient proposed by the Governor General, seems not to fall in with any of the Intentions of the Act; but to be opposed by Difficulties, as well as to threaten Consequences, which, unless obviated, must determine me to withhold my Assent to it.

Some of the present Difficulties are these:—First; If the Governor General and Council, have no other legal Power to appoint Superintendents of the Adauluts, than what is *implied* from a *doubtful Construction* of the Act of Parliament, then they should not have proceeded to an Establishment of such Importance, nor should they now persist in it; their Business in such Case, is to act in Concert with the Court.

2d. If they have not in themselves competent Power for this Establishment, they in like Manner are not competent to confer upon any Individual, that Authority with which it is now proposed to invest the Chief Justice.

3d. Unless the Chief Justice acknowledges the Validity of the Board's Institution (which will be a great Authority against the Governor General's Argument) he cannot consistently accept of the Office proposed for him. And the same Remark may be extended to the Opinions of the other Judges. His Acceptance of an Office, cannot establish the Legality of the Power that confers it.

4th. The Union of different Powers, in the Person of the Chief Justice, can be no regular Conciliation of the Two Departments. The Interposition of his Person, may indeed prevent their clashing for a Time; but this effects no real Adjustment of Principles between them; and it does not seem allowable for us to conclude, that a particular Distinction shown to the Chief Justice, will suppress all Opposition of Sentiment from the other Judges. Nor does this Mode of procuring Peace, if it should succeed, appear the most honourable or safe for ourselves; for after delegating so much Power, both Departments are still left exposed at the Pleasure of the Chief Justice, to the future Eruption of their unextinguished Differences.

5th. If, for the Purposes of conciliating the Court, and giving Efficacy to the Adauluts, such an Authority is to be bestowed, it would seem that these Purposes would be better answered, and all Danger of infringing the Act of Parliament avoided, by delegating the Power of hearing Appeals to all the Judges of the Supreme Court, or associating them with ourselves, and holding such

Power

## A B P E N D I X, N<sup>o</sup>. 4.

Power in Conjunction with them; which falls in with one Part of the Bill transmitted to the Court of Directors, in the Year 1776.

6th. By an Appointment of this Nature the Independency of both Departments may be endangered. By separating the Members from their Departments, a System of mutual Influences, which may occasionally operate too powerfully upon each, is at once founded.

7th. Such an Union of different Powers, is beyond the Scope of the Act of Parliament; and foreign to the Constitution of the Company's Government. A great Salary, high Rank and Consideration, are annexed to the Office of Chief Justice, most probably upon the Supposition, that the Person advanced to it could here receive no Augmentation in any of these Things; and it seems inconsistent with his Appointment from the King, *which makes him independent*, to accept of another Appointment under the Company, *during the Pleasure of this Board*.

8th. In the Office proposed to be given to the Chief Justice, it does not appear how he can be held, either under Controul or Responsibility. He cannot be separated from the Privileges of his original Office; yet the Exercise of them, in all that relates to the new Appointment, must be quite discretionary with him.

The Apprehensions which I entertain, and have alluded to in the former Part of the Minute, are these.

1st. That it will be thought requisite, if this Appointment takes Place, to annex a large Salary to it, and an ample Establishment. In our present State, when we can hardly raise Money for our necessary Occasions, I should think such an Expence utterly inadmissible.

2d. Decisions might probably go upon the Principles of English Law. The Introduction of this Practice should, in my humble Opinion, be previously and maturely considered.

3d. If Attornies and Solicitors should be admitted to practise in the Court of Appeals, a new and wide Door of Litigation would be opened: The Company have no Controul over Attornies and Solicitors.

4th. The Business of the Court of Appeals must give Opportunity for a thorough Inspection of all the Affairs of the Revenue, and Proceedings of the Provincial Councils; of course, a very powerful Influence over both Europeans and Natives.

5th. Such an Influence, possessed by the Chief Justice of the Supreme Court, might too much hide the Government from the Eyes of the Natives.

Waving further Objections, I now repeat my Wish to see these obviated; and whatever may be wanting, for an effectual Controul over the Country Courts, supplied. If the Service should indeed require an extraneous Check, delicate and important as this Point is, I would by no Means have it understood that I would oppose it; but before this is applied, I think several other Expedients might be tried.

1st. The Company's chief Law Officer here seems to be the Person to whom Recourse should first be had, his Station being similar to that of the Company's Counsel in England, who attends on all Questions of Law, and gives his Opinion and Advice. I think, that by introducing in the same Manner, the Advocate General into the Court of Appeals, the Business of that Court might be made easy to the Members of the Board; and I must think also, that if such an Officer as Judge of Appeals should be created, he has the most natural Right to it.

2d. The Supreme Court and the Governor General and Council might sit together as a Court of Appeals, according to the Principle of the Bill already mentioned.

3d. The Objections against the Chief Justice, lie with less Force against either of the inferior Judges; and,

4th, Least of all against the Presidence of all the Judges, in Rotation.

### *Board's Resolution of the 18th October.*

Resolved, That the Chief Justice be requested to accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such as the Board shall think proper to add to them, or to substitute in their stead; and that on his Acceptance of it, he be appointed to it, and stiled "The Judge of the Sudder Dewannee Adaulut."

The Secretary having, by the Governor General's Directions, waited on the Chief Justice with the preceding Resolution, he lays before the Board a Letter delivered to him by the Chief Justice, in Answer.

*To the Honourable the Governor General and Council, &c. &c.*

Honourable Sir and Sirs,  
Your Secretary, Mr. Baugh, has this Morning communicated to me your Resolution of the 18th Instant.

## A P P E N D I X. N<sup>o</sup> 4.

I am sensible of the Honour conferred on me, by the Trust you have reposed in me;—accept of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, under its present Regulations, and such others as the Board shall think proper to add to them, or to substitute in their stead; and will, with great Readiness, dedicate my vacant Time to the Service of the Public.

I have the Honour to be, &c.  
(Signed) . E. Impey.

Fort William,  
19th October, 1780.

Agreed, conformably to the Resolution of the Board, that the Chief Justice be appointed Judge of the Sudder Dewannee Adaulut.

Ordered, That Notice of the Chief Justice's Appointment be sent to the Superintendents of the several Dewannee Adauluts; and agreed, That the Provincial Councils be also advised thereof, as follows:

*To Mr. David Anderson, Chief, &c. Provincial Council for the Division of Calcutta, at Houghly.*

Gentlemen,  
The Chief Justice having accepted of the Charge and Superintendency of the Office of Sudder Dewannee Adaulut, we have appointed him to it, with the Title of Judge of that Court.

Fort William,  
the 26th October, 1780.

We are, &c.

The same to all the Provincial Councils.

The Governor General recommends, that a Salary of 5,000 Sicca Rupees, and 600 Sicca Rupees per Month for the Rent of an Office, may be allowed to the Chief Justice for this Appointment; and that the Motion do lie for the Consideration of the Board, to be decided on at their next Meeting.

Agreed, That it do lie accordingly.

*Extract of the Proceedings of the Governor General and Council at Fort William, in their Revenue Department, the 3d November 1780.*

The Governor General lays before the Board, the following Regulations for the Sudder and inferior Dewannee Adauluts, prepared by Sir Elijah Impey, and carefully revised by him; and recommends, that they may be transmitted to the Superintendents with the necessary Orders, requiring their Conformity to them.

1st. That all Rules, Orders, Regulations, and Resolutions respecting the Court of Sudder Dewannee Adaulut and Provincial Dewannee Adauluts heretofore established by the Authority of any former President and Council, Governor General and Council, or Court of Sudder Dewannee Adaulut, be confirmed, and be and remain Standing Rules and Orders of the said Courts respectively; except in such Matters and Things as the same may be varied by the Rules and Orders hereby established, or which shall hereafter be established by the Governor General and Council, or by the Sudder Dewannee Adaulut.

2d. That the Judges of the Provincial Dewannee Adauluts do execute and perform all such Matters and Things which were required to be executed and performed by the Collectors, Provincial Councils, or any Judge or Judges of any Provincial Dewannee Adaulut, respecting the Administration of Justice in the Month of May 1772, or by any subsequent Rule, Order, Regulation, or Resolution of the late President and Council, Governor General and Council, or Court of Sudder Dewannee, in as much as the same are consistent with, or conformable to, the Rules, Orders, Regulations, and Resolutions hereby made.

3d. That it be not competent to the Sudder Dewannee Adaulut to proceed on any Appeal in any Cause heretofore decreed and adjudged in any Provincial Dewannee Adaulut, unless the same shall have been presented to a Provincial Dewannee Adaulut, or to the Sudder Dewannee Adaulut, before the First Day of June, which shall be in the Year of our Lord 1781: That all Appeals against any Judgment, Decree, or final Order, which shall be made in any Provincial Dewannee

Adaulut,

## A P P E N D I X, N<sup>o</sup> 4.

Adaulut, after the First Day of November 1780, shall be presented within Three Calendar Months after the Day of the Decree given, and Copies thereof delivered to the Parties : That in every Case where any Appeal shall be presented to the Provincial Dewannee Adaulut, the Judge of the said Court shall immediately indorse thereon, in his own Hand Writing, and sign it with his Name, the Day of the Month and Year in which such Petition was presented ; and if the original Cause of Action be concerning the Right or Possession of any Houses or Lands, all Proceedings shall immediately be stayed, and no Execution had, or Possession given under the Judgment, Decree, or final Order appealed against, until the said Appeal shall have been finally determined in the Sudder Dewannee Adaulut : Provided, that the Party appealing shall enter into good and sufficient Security to abide by such Judgment, in a Sum not exceeding Five hundred Sicca Rupees, for the Purpose of answering such Costs as the opposite Party may be put to in consequence of such Appeal : And if the Petition of Appeal be in any Case in which any Sum of Money, Goods, or Chattels, be adjudged to the Plaintiff, then such Security to be taken for the Sum decreed, or for the Value of such Goods and Chattels, together with Five hundred Sicca Rupees, for the Purpose of answering such Costs as the opposite Party may be put to in consequence of such Appeal.

4th. That the Judge of such Provincial Dewannee Adaulut shall, within Ten Days next after the Receipt of such Appeal, certify under his Hand and Seal, to the Judge of the Sudder Dewannee Adaulut, the original Arzee, Petition, or Plaint, together with the original Answers or Answer of the Defendants or Defendant ; the original Depositions taken in the Case ; the original Exhibits, and every Rule, Order, Decree, Judgment, Matter, or Thing, in anywise relating to the said Case ; and shall cause to be made true and exact Copies of all such Proceedings as shall be transmitted to the Sudder Dewannee Adaulut, authenticated by the Register or Clerk of such Provincial Dewannee Adaulut ; which said Copies shall be and remain of Record in such Court : That where any Appeal shall be presented directly to the Sudder Dewannee Adaulut, the Judge of the Court in which the original Cause was instituted, shall obey all such Rules and Orders of the Sudder Dewannee Adaulut as shall be certified to him under the Seal of the said Sudder Dewannee Adaulut, witnessed by the Judge of the Sudder Dewannee Adaulut, and signed by the Register of the said Court.

5th. That before any Appeal be allowed by the Sudder Dewannee Adaulut, that, besides what was heretofore required by the said Court, the Party appealing shall enter into such Security for the due Prosecution of his Appeal, and Payment of Costs, as the said Sudder Dewannee Adaulut shall think fit to award.

6th. That upon the passing of every Decree, Judgment, or final ordinary Case in the Provincial Dewannee Adaulut, each Party be immediately furnished with a Copy thereof ; and that the same be tendered to, or delivered to them or their Vackeels, properly authorized : And the Register or Chief Clerk of the said Court shall endorse thereon, the Date of the Time on which such Decree was made, and Copies delivered, and authenticate the same with his Signature in his own Hand-writing.

7th. That all Process, as well to the Party as Witnesses, and all Process whatsoever, and all Rules and Orders for the Execution of any Judgment, Decree, or final Orders, or any Matter whatsoever relating to any Cause depending in the Sudder Dewannee Adaulut, be directed to the Judge of the Provincial Dewannee Adaulut in which the Cause of Action shall originally have arisen, or in whose Jurisdiction the Lands be situated, or the Parties or Witnesses shall be or reside ; and that every such Process, Rule, and Order, do limit a Time certain, within which the same shall be served, executed, and returned to the said Sudder Dewannee Adaulut ; which Process, Rules, and Orders, shall be sealed with the Seal of the said Sudder Dewannee Adaulut, attested by the Judge thereof, and authenticated by the Register thereof ; and the Judge to whom the same shall be directed, shall execute the Orders contained in such Process, Rule, or Order, and return the same within the Time limited, or return to the said Court good and sufficient Reason why the same hath not been served or executed ; and what the said Judge hath done in pursuance thereof : Provided, that if any Judge to whom such Process, Rule, and Order, shall be directed, shall wilfully disobey or neglect to perform the Commands therein contained, or shall make a false Return thereto, such Judge shall be liable to be suspended from his Office, by Order of the Judge of the Sudder Dewannee Adaulut, until the Governor General and Council shall, upon Report to be made to them by the Sudder Dewannee Adaulut, have examined into and determined on the Matter reported to them ; and if the Sudder Dewannee Adaulut shall suspend such Judge, the Judge of the Sudder Dewannee Adaulut shall, within Ten Days after such Suspension, report to the Governor General and Council such Suspension, together with the Cause thereof, and certify under his Hand, and the Seal of the Sudder Dewannee Adaulut, all such Proceedings, Depositions, and Exhibits, and all other Matters which may be necessary for the Examination into and Determination upon such Suspension ; and shall, on Requisition of the Governor General and Council, transmit to them all such Papers and Proceedings in the Cause, which they may esteem necessary for their Investigation.

8th. The Sudder Dewannee Adaulut is hereby authorized and empowered to frame such Rules of Practice, and Standing Orders, for the Administration of Justice as well in the said Sudder Dewannee

## A P P E N D I X, N° 4.

Adaulut, as in the Provincial Dewannee Adauluts, so that the same be transmitted to the Governor General and Council; under the Seal of the Sudder Dewannee Adaulut, for their Approbation; Controul, or Alteration; and the Judges of the respective Provincial Courts are hereby strictly enjoined and commanded, in every Act, Matter, or Thing by them to be done, strictly to conform to the Rules and Regulations hereby transmitted to them, and to all other Rules of Practice and Standing Orders for Administration of Justice, which shall hereafter be transmitted to them from the Sudder Dewannee Adaulut, under the Seal of the said Court, witnessed by the Judge thereof, and signed by the Register thereof.

9th. That the Judge of the Sudder Dewannee Adaulut, be authorized to make such reasonable Adjournments as consistently with the Business thereof he may think fit; and in case of his Absence through Illness, that the Register do make such Adjournments as he shall direct.

10th. That the Judge of the Sudder Dewannee Adaulut may, for just Cause, remove any Officer or Officers of the said Court; and that in case of the Death, Removal, Resignation, or other Avoidance of any Office held under the said Court, the Judge of the said Court be authorized to appoint any other Person or Persons, duly qualified, to such Office or Offices as shall have become vacant.— That in case of Vacancy of the Office of Register to the said Court, no Appointment be made thereto, without the Consent and Approbation of the Governor General and Council; and all such Officers so appointed, shall be entitled to have and receive such Salaries and Emoluments as were enjoyed by their Predecessors respectively.

11th. That it be competent to the Sudder Dewannee Adaulut to hear, try, and determine any Arzee, Petition, Matter of Complaint, or Dispute whatsoever, which shall be for that Purpose transmitted to the said Court by the Governor General and Council.

12th. That it be competent to the Sudder Dewannee Adaulut, in case of any Appeal, where the original Cause has not been sufficiently investigated in the inferior Court, or for other Cause which may be deemed reasonable by the Sudder Dewannee Adaulut, either to receive such further Evidence as may be proper for the just Determination of the Cause, or to send the Cause back to the inferior Court where it originated, with special Directions to the Judge thereof, with regard to the new Evidence he shall receive thereon, as shall be deemed by the said Court most conducive to Justice, and the Convenience of the Parties and Witnesses.

13th. That the Sudder Dewannee Adaulut may, as it may deem conducive to Justice, Respect being had to the Nature of the Cause and the Evidence, either examine the Witnesses to be produced in Court, viva voce, in open Court, causing the Witnesses to be first sworn, their Depositions reduced into Writing, and signed by the Witnesses respectively; or authorize the Register of the Court to swear and examine such Witnesses, take their Depositions in Writing, and procure the same to be signed by the respective Witnesses, and authenticate the same by his Signature, so that such Examination be in the Presence of both Parties, or their Vackeels, who shall be at Liberty to put such Questions to the Witnesses as they shall think proper; which Questions, and the Answers thereto, shall be in like Manner reduced into Writing, signed and authenticated. Provided nevertheless, if due Notice be given to the Parties, or their Vackeels, of the Examination of any Witness or Witnesses before such Register, and he or they shall not attend at the Time of such Examination, the Register shall and is hereby authorized to proceed to the Examination as before directed; and such Depositions shall be received as good and authentic Evidence. Provided, that where any Witness may be of such Rank, Cast, and Quality, that it may be, from the Prejudice of the Country, improper to administer an Oath to them, the Judge of the Court may dispense with their being sworn, on their subscribing a Declaration to the following Effect, viz. If the Witness be a Hindoo, "I will faithfully answer such Questions as shall be put to me by the Court (or the Register thereof) in the Cause now before the Court, according to the Truth; I will declare nothing not warranted by the Truth; if I declare any Thing not warranted by the Truth, I shall be deserving of Punishment from Ihhar."—And in case such a Witness be a Mussulman, "I do sincerely promise and swear, in the Presence of Almighty God, that I will faithfully, and without Partiality, answer any Question put to me by the Court (or the Register thereof) respecting the Cause now before the Court, according to Truth." And the Testimony and Deposition of such Witness or Witnesses so subscribing, shall be as valid as if the Witnesses had been sworn.

That it be competent to the Sudder Dewannee Adaulut to receive any original Complaint whatever, and refer the same to the Provincial Dewannee Adaulut, to whose Jurisdiction the Matter of Complaint shall of Right belong, and to order and command the Judge of the Court to hear, try, and determine the same.

That no Judge of any Provincial Dewannee Adaulut shall, upon any Pretence whatsoever, cause to be made any Report of any Matters of Fact, relating to any Cause depending before them by any Officer or Officers whatsoever; and that no Depositions or Deposition of Witness or Witnesses be read in any Cause, unless the same shall have been made publicly in open Court by such Witness or Witnesses, him or themselves, after having been duly sworn, in that Form or Manner which shall be deemed most binding on his or their Conscience, "bespeak the Truth, the whole Truth, and nothing but the Truth;" and before such Witness or Witnesses shall have signed or attested



## A P P E N D I X, N<sup>o</sup> 4.

tested the same; and that every Exhibit, or written Evidence whatsoever, be produced in open Court at the Trial, and duly proved by Examination of Witnesses, sworn as aforesaid, whose Depositions shall be reduced into Writing, and attested as aforesaid; and that every Exhibit or Exhibits, with proper Marks describing the same, and referred to in the Deposition or Depositions, proving the same be annexed to such Deposition or Depositions. Nevertheless, that it be competent to such Judge to refer any Question arising on the Mussulman or Hindoo Law, to any Maulavy or Maulavies, Pundit or Pundits, Respect being had to the Law in which each is conversant; so that such Maulavy or Maulavies, Pundit or Pundits, be duly sworn to answer to the best of his or their Judgment or Judgments: And that a Statement of Facts on which the Question shall arise, be made out in Writing, signed by the Judge of the Court, and be delivered to such Maulavy or Maulavies, Pundit or Pundits, for his or their Opinion thereon, and a Blank left for the Answer or Answers of such Maulavy or Maulavies, Pundit or Pundits, to be wrote on the same Paper on which the Question is stated, immediately under and following the same, and be signed by and with the Names of such Maulavy or Maulavies, Pundit or Pundits, together with the Date of the Time when such Question or Questions was or were submitted to him or them, and when such Answers shall be given.

That if any written Evidence be offered to any Provincial Dewannee Adaulut, in any Cause depending therein, if the Court shall in their Judgment think fit to reject the same, the Judge so rejecting such Evidence, shall endorse on the Back thereof the Word "Rejected," together with the Name of the Cause, and the Date of the Time when the same shall be rejected; and shall enter a Memorandum on the same, or on a Paper thereto to be annexed, of his Reason for not admitting the same on Evidence, with his Name subscribed thereto; and shall return the same so endorsed, and with such Memorandum, to the Person attempting to produce the same in Evidence.

That all Rules, Orders, Regulations, and Resolutions heretofore made by the late President and Council, and Court of Sudder Dewannee Adaulut, with regard to the Administration of Justice in the said Court of Sudder Dewannee Adaulut, and Provincial Dewannee Adauluts, together with the Rules, Orders, Regulations, and Resolutions thereby made and ordained, be forthwith published by Advertisement at the Presidency, and Copies thereof be transmitted to the Judges of the Provincial Dewannee Adauluts, with Orders to carry them into Execution; and to publish them, by Advertisement affixed in the Cutcherries where such Courts shall be held or sit.

The Board approving of the above Regulations, ordered the Secretary do furnish the Superintendents of the several Provincial Dewannee Adauluts, with Copies of them for their Guidance.

Mr. Francis.—I cannot give my Assent to that Part of the 12th Article, by which, in the Case of an Appeal, the Sudder Dewannee Adaulut is authorized to receive such further Evidence as may be proper for the just Determination of the Cause. The Reasons on which my Opinion on this Point are founded, and to which I adhere, are expressed in a joint Minute, signed by Sir John Clavering, Colonel Monson, and myself, on the 21st of March 1776, in the Secret Department, and recorded on the 29th of May following, an Extract from which I beg Leave to enter here:

Extract of a Joint Minute of Sir John Clavering, Colonel Monson, and Philip Francis, Esquire; bearing Date the 21st of March 1776, and recorded on the Proceedings of the Governor General and Council, in their Secret Department, under Date the 29th of May 1776.

"The First or Superior Court to be composed of the Governor General and Council, and of the Chief Justice and Judges, supposes the executive to assume the Office of the judicial Power; and this Court, which is of Appeal in the last Resort, may receive fresh Exhibits, and examine new Witnesses. In both Instances, in the Constitution and Practice of the Court we see a direct Violation of the First Principles of English Jurisprudence, without the Plea of adhering to the Institutions of the Country.—The Examination of new Witnesses is liable to this further Objection, that, being discretionary, it is open to Interest and Partiality. If admitted in all or many Cases, the Court would soon sink under the Weight of Business, or be compelled to relinquish it."

The Governor General desires, that the Reasons on which that Part of the 12th Article, objected to by Mr. Francis, was first introduced into Practice in the Sudder Dewannee Adaulut, may be added in this Place by the Secretary.

The Secretary having searched the Records of the Sudder Dewannee Adaulut, for the Regulation referred to by the Governor General, has not been able to find it, occasioned by one of the Sections of the literary Proceedings of that Court, being at present mislaid; for, with respect to the Regulation itself, the former Assistant in that Department has a Recollection of its standing recorded; as appears also by the Practice having been introduced and used in the judicial Process of that Court.

A P P E N D I X, N° 5, 6.

A P P E N D I X, N° 5.

*Extract of a General Letter from Bengal, dated 7th January 1781.*

THE Sum of Forty-five Lacks of Rupees, to which the First Loan on Bonds bearing an Interest of 8 per Cent. per Annum, was restricted by our Resolution of the 2d October last, having been completely subscribed; we have determined to authorize the Receipt of such further Sums into the Treasury, as might be tendered to it for like Bonds.

The State of our Treasury this Day, is as follows.

Ready Money	—	—	8,17,446	11	9
Bills receivable	—	—	1,85,728	2	—
Mint, general Treasury	—	—	4,80,732	13	—
Unforted Treasure	—	—	6,58,964	14	6
			<hr/>		
Current Rupees			21,42,872	9	3
			<hr/>		

Deduct the Amount of appropriated Sums, as follows :

Balance Account Deposits	—	—	—	—	11,00,900	8	5
D° Accountant General of the Mayor's Court	—	—	—	—	1,36,358	4	—
Amount of the old bonded Debt, in which the Interest has ceased by public Advertisement	—	—	79,342	11	10		
D° D° on Account of the Churchwardens, bearing a Running Interest, by Order of the Court of Direc- tors	—	—	98,200	—	—		
D° of the new bonded Debt	—	62,58,651	1	6			
D° 4 per Cent, Remittance Loan	—	14,55,550	—	—			
D° Annuities, 1780	—	94,720	—	—			
			78,08,921	1	6		
					79,86,463	13	4
					Rupees	92,23,722	9 9

A P P E N D I X, N° 6.

Harley-Street, 14th November 1781.

Sir,  
ON the 20th of last Month, I requested Mr. Michell to inform the Court of Directors of my Arrival in London. On the same Day, I did myself the Honour of waiting on you at your House; and the Monday following on the Deputy Chairman. Since that Time, I have waited in Town in daily Expectation of receiving the Commands of the Court of Directors, or your's, in some Shape or other; but no Notice whatsoever has yet been taken of me. The Explanation with which you favoured me this Morning, as I understand it, leaves me no Room to doubt, that this Neglect of me, on your Part at least, if not on that of the Court of Directors, has been deliberate and intended; I am therefore obliged, in Vindication of my Character and Conduct in the Company's Service, to take this Method, which you yourself preferred as the least liable to Misconstruction or Mistake, of requesting, that, at the first Meeting, you will receive the Sense of the Court of Directors on the following Question :

“ Whether, in their Judgment, I have or have not executed the Duties of my Station, in the Government of Fort William, faithfully and honourably ?”

If



## A P P E N D I X, N° 6.

If they say *No*, I trust and expect that they will, at the same Time, point out in what Instances or Instance, I have not acted faithfully and honourably to the East India Company : If they say *Yes*, I then request, that you will express to them my Hope and Expectation, that I shall be called upon to receive their Approbation of my Conduct directly from themselves, in the Form and Manner usually observed on such Occasions. No Man knows better than you do, that the Acknowledgement I claim from them, if they should think it in Substance due to me, is not a mere Compliment or Formality, or that it can be omitted to me, without an indirect Censure of my Conduct. No Man knows better than you do, that I have deserved the Approbation of my Employers.

The Conversation I had with you Yesterday, will enable you to satisfy the Court of Directors, that nothing is intended in this Letter, that can or ought to be deemed inconsistent with the Respect due to that Public Body, of which you are at present the Chief Member.

I have the Honour to be,

Sir,

Your most obedient  
humble Servant,

Laurence Sullivan, Esq. Chairman  
of the Court of Directors

P. Francis.

East India-House, 14th November 1781.

Sir,

The Chairman of the East India Company having received and laid before the Court of Directors, your Letter dated this Day, I am ordered to acquaint you, that they have, on Consideration thereof, desired the Chairman and Deputy Chairman to receive such Information as you may please to offer on the Company's Affairs. I am also further ordered to acquaint you, in regard to the other Part of your Letter, that the Court of Directors will take the same into future Consideration ; and that the Chairman and Deputy Chairman will be ready to receive you at this House, at such Time as may be most convenient to yourself.

I am, Sir,

Your most obedient  
humble Servant,

P. Francis, Esq.

P. Michell, Secretary.

Harley-Street, 15th November 1781.

Sir,

I am to acknowledge the Favour of your Letter, in which you inform me, " That the Court of Directors have, *in Consideration of my Letter to the Chairman of the 14th Instant*, desired the Chairman and Deputy Chairman to receive such Information as I might offer on the Company's Affairs ; and that, in regard to the other *Part* of my Letter, the Court of Directors will take the same into future Consideration."

In Reply to this Notification of the Pleasure of the Court of Directors, I beg that, in the first Place, you will please to observe to them, that there is not one Word in my Letter of the 14th Instant, to the Chairman, that either directly expresses, or indirectly implies, an Offer on *my* Part, or a Desire, to give them Information on the Company's Affairs. On a Re-perusal it will appear, that I confined myself strictly and exclusively to a single Point, which you describe to be the *other* Part of my Letter, and which relates solely to myself, and the Situation in which I stand. I did not solicit the Court of Directors to give me Audience for the Purpose of offering to them any Information on the Company's Affairs ; I did most cautiously avoid it, because I thought it belonged to *them* to demand such Information from me, if they were of Opinion that any Information within my Knowledge or Judgment, might be of Importance to the Company's Service.

My Letter to the Court of Directors from St. Helena, dated the 29th of March 1781, contains the following Passage : " It gives me great Concern, that my proceeding to England is likely to be delayed, as I believe it to be very material to the Company's Service, that the Information, which I am able to give you, of the real State of your Affairs in India, should be laid before you as speedily as possible ;" and I did conclude that the Court of Directors, having this Intimation before them, would have fixed upon an early Day, after my Arrival in London, to call for my Attendance. They alone, however, were to judge of the Propriety or Impropriety of doing so. It was not for *me* to force any Thing into their View, which did not immediately and essentially concern myself.

## A P P E N D I X, N<sup>o</sup> 6, 7.

You will be pleased to inform the Court, that, in Obedience to their Commands, I shall, on Monday next, do myself the Honour to wait on the Chairman and Deputy Chairman, at the East India House.

P. Michell, Esq.  
Secretary to the Honourable  
the Court of Directors.

I am, Sir,  
Your most obedient  
humble Servant,  
P. Francis.

---

## A P P E N D I X, N<sup>o</sup> 7.

(C O P Y.)

*Mr. Francis's Letter to the Court of Directors:*

Gentlemen,

**F**OR your Convenience, as well as to assist my own Memory, I have thrown together, in the Paper which I have now the Honour to deliver you, short Memorandums of the principal Points on which I wish and propose to give you all the Information in my Power. Some Things will require Explanation—others may have been omitted, which I may recollect hereafter. I am ready, and shall be so at all Times, to answer any Questions you may think fit to put to me; and I hope that, if any Thing farther should occur to me, which may now have escaped my Attention, you will allow me to communicate it to you in Writing, whether as a Correction of any of the Contents of this Paper, or in Addition to them.

East India House,  
19th November, 1781.

I have the Honour to be,  
Gentlemen,  
Your most obedient, and  
humble Servant,  
P. Francis.

Chairman and Deputy Chairman of the Honourable the Court of Directors.

East India House, 19th November 1781.

When I had the Honour of addressing the Court of Directors from St. Helena, it was not known to me, that one of the Subjects on which I proposed to give them Information, would be brought so directly and explicitly into their View, as I find it has been, by Mr. Hastings's Letter to them of the 2d of December 1780—as he therein expressly tells you, "That they shall be under the Necessity of making a large Reduction, and possibly a total Suspension of your Investment for the ensuing Year; and that he cannot pronounce what their Ability may be, beyond that Period."—I have nothing to offer on that Head, but that I am thoroughly convinced that the Necessity to which Mr. Hastings alludes, will continue to operate, if not increase, in its Force, and in all its Effects; and that no Man, who knows any Thing of the real State of India, can, even by Conjecture, point out a Period at which such Necessity will cease to be felt. Peace at present is not within Sight; and whenever there shall be a Peace, I can venture to assure you, that the comparative State of your Expences and Resources in India, as they will then stand, will not exhibit a Surplus applicable to the Purchase of an Investment. It is my most serious Opinion, that you will never again have an Investment purchased with any Savings from the Revenues of Bengal. I hear you have lately authorized the Governor General and Council to draw upon you for Five hundred thousand Pounds, to be applied strictly to this Object:—You know, better than I do, how long the Company can support such a Demand upon their Resources in England.—As long as it can be supported, you will consult the Welfare of *Bengal* at least, in laying this Burden on the Company. If there be no Investment purchased in one Year, the landed Revenue of the Country will, in a little Time, be found to fail nearly in the same Proportion: One is, in effect, the Supply of the other.—Again, as there is properly no Trade in Bengal, or next to none, but that which is created by the Purchase of the Company's Investment, it follows, that in whatever Proportion such Investment is diminished, the Manufacturers are so far forth left without Employment—the Consequence of which must be, that they will either fly the Country, or turn to some other Occupation, and the Manufactures  
be

## A P P E N D I X, N. 7.

be proportionably debased, if not irrecoverably lost.—Reflections of this Nature, I presume, must have occurred to you, when you authorized the Governor General and Council to draw upon you for so large a Sum. Whether it will be in their Power to apply the Whole of it in the Manner you expect, I very much doubt:—But as a collateral Resource, applicable to the same Object, I submit it to you to consider, whether the following Idea might not be adopted with Advantage, under such Corrections and Improvements as your own Judgment may suggest: That all Europeans, and others, resident in Bengal, having Money which they wish to remit to England, should be invited to subscribe it into the Treasury of the Board of Trade, to be applied to the Purchase of Piece Goods, Raw Silk, &c. on Condition that their Bills on the Company, at a favourable Rate of Exchange (suppose, for Example, 2s. 1d. the Current Rupee) shall be accepted and paid at a given Period after the Arrival of the Ships in England. This Expedient, I believe, would produce Twenty-five Lacks a Year, at least for a Year or Two; and, as far as it went, the Extraction of Specie from England and from Bengal, would be proportionably and equally saved. I submit this merely as an Hint to your better Judgment.

The Second Point on which I meant to offer you some Information, was the State of the Administration of Justice in Bengal; but, as I find that this Subject has been already taken up by the Legislature, and is likely to be resumed at the Meeting of Parliament, I shall not enter further into it in this Place.—One Fact only it is fit you should be apprized of, because it directly concerns the Company's Interest, and may require some immediate Orders from you. It is, that whereas, in many Acts and Declarations of the Governor General and Council, and more particularly, in their Declaration made to the Supreme Court of Judicature on the 11th March 1780, it was constantly avowed and maintained by them, that the Zemindars and other Landholders of Bengal, were exclusively subject to the Jurisdiction of the Governor General and Council—the Chief Justice of the Supreme Court was, nevertheless, appointed in October 1780, by a Majority of the Board, consisting of the Governor General and Sir Eyre Coote against Mr. Wheler and me, to be Superintendent or Judge of the Dewannee Adauluts, and to decide, in the last Resort, in all Appeals from those Courts;—that the Chief Justice had accepted the Office; and that on the 24th of October, the Governor General proposed an Allowance of 5,600 Sicca Rupees a Month for the Chief Justice, which at that Time was not voted.

These Subjects being dismissed, I come to the great leading Facts, which constitute the actual State of India, as far as I am acquainted with it—1st. The Dominions of your Ally, or rather your Vassal, the Nabob of Oude, are utterly, and I believe irrecoverably ruined. In the Year 1776, the Revenues of that Country, and its Dependencies, exceeded Three hundred Lacks of Rupees. In April 1780, they were so reduced, that whereas the Company's Demand on the Vizier for that Year, as stated by Mr. Charles Purling, amounted to One hundred and Twenty Lacks, and as stated by me, to One hundred and Fifty Lacks, no Assignments could be had from the Vizier for more than Ninety Lacks, and he himself was reduced to the absolute Want of a bare Subsistence for himself and his Family. You will find the Particulars recorded in our Consultation of the 3d of April 1780. You cannot but be sensible how far the Fact of itself extends, and to what Consequences it leads. I mention it now for the following Reason, out of many that are still more important. I find, that in the Report of the Committee of Proprietors, dated the 19th of December 1780, Credit is taken (under the Head of Outstanding Debts due to the Company) for Current Rupees, 25,65,989, due by Asoph ul Dowlah, Nabob of Oude, with as much apparent Confidence and Security, as if you had the Money in your Treasury in Leadenhall Street:—Now I do assure you, that this Debt, so far from being discharged, is by this Time immoderately increased; and that it never can be discharged out of the Revenues of Oude, which, when I left India, were far short of being equal to the indispensable Establishments of that Government, and which were still declining rapidly every Day.—2d. I have good Reason to believe, that your Ally, the Rana of Gobud, as I find him entitled in the Governor General's Letter, is much dissatisfied with the Presence of your Troops, and with the Effects it has produced in his Country: That Major Popham was so apprehensive of being betrayed by him to the Marattas, that he seldom or never ventured to communicate his Plan of Operations to him, and more particularly in the Instance of his Enterprize on Guawlior: And that no Part of the Subsidy due by the Treaty from the Rana, or only a very small Proportion of it, had been discharged. The Truth is, he is too inconsiderable; that I had hardly ever heard of his Name, before the Treaty of Alliance with him, and Guarantee of his Dominions, were proposed by the Governor General.—3d. With respect to the Rajah of Berar, you are already in Possession of my Opinion of his Views and Disposition towards our Government, and of the Intent and Consequence of his keeping an Army stationed upon our Frontier in Cuttack. In my Letter of the 29th of March last, I told you that he had made a Demand of Money from us, for the Payment of this Army. I must now add it as a Fact, which I have absolute Reason to believe true, though I am not able to prove it, that Money to the Amount of Three or Four Lacks of Rupees, was actually sent to the Commandant of that Army, and that a much larger Sum was promised by the Governor General, without the Advice, Consent, or Knowledge of the Council. With respect to the Detachment under the Command of Lieutenant Colonel Pearce, avowedly formed for the Purpose of marching through Cuttack and the Northern Circars, towards the Carnatic, and of co-operating with Sir Eyre Coote,

Coote, I must inform you, that so long as the above Maratta Army remains upon our Frontier, the Detachment cannot move without leaving Bengal open to Invasion; that while the Marattas keep the same or any other Situation upon our Frontier, they necessarily engage too much of our Force and Attention from other Objects; which, without an actual Rupture with us, produces many other Effects of the most avowed Hostility. I do not think the Governor General himself will deem it prudent to move Colonel Pearce's Detachment Southwards, until the Danger which may and ought to be apprehended from the uncertain Motions of the Rajah of Berar, shall be clearly and absolutely removed: He cannot do it, but in Contradiction to *my* Opinion, repeatedly given at the Board, and which ought to hold good as long as the State of Facts is the same: He never can obtain the Consent of Mr. Wheeler, who I know is immoveably fixed in this Point: And finally, he cannot do it even with the Approbation of Sir Eyre Coote, who, though very desirous of receiving every possible Support from Bengal, did nevertheless freely admit that the Measure was not to be thought of, unless we were perfectly secure of the Maratta Army in Cuttack. You already know, that in November 1780, the bonded and other Debts against your Treasury in Bengal, exceeded Eighty Lack of Current Rupees. You may depend upon it, that that Burthen will increase as long at least as the War continues, and as long as Money can be borrowed on any Terms. — 4th. In the Report of the Committee of Proprietors, I find the bonded Debt of Bombay stated at Bombay Rupees, 35,11,955. The Fact is, that on the 30th of April 1780, their bonded Debt amounted to Bombay Rupees, 50,89,213. Having no Means to pay the Interest of 9 per Cent. on this Debt, their Practice is to convert the Interest at the End of every Half Year, into Principal, Supposing this to be done, as I have no Doubt it has been, the Result will be, that at the End of October 1781, their bonded Debt will amount to Bombay Rupees, 58,07,634. Admitting that the Debt is not otherwise increased by an additional Loan. It is also a Fact, that, by their own Estimate, their Expences from April 1780 to April 1781, would exceed their Resources in the Sum of Rupees, 38,34,492, which of course is a Debt on the Government, whether bonded or not: The whole Bombay Debt therefore, without reckoning any Thing incurred since April last, must now stand at Bombay Rupees, 96,42,126, and this I believe to be very much under the Amount.

5th. I cannot speak particularly of the bonded Debt at Fort Saint George, but I have heard from good Authority, that it amounted to the utmost they could borrow. One Fact, however, is necessary to be brought into your immediate Observation; that whereas the Committee of Proprietors have taken Credit in their Report for Outstanding Debts and Property at Fort Saint George, convertible into Cash, to the Amount of £1,380,083: That whole Credit, or by far the greatest Part of it, is ideal. Their Expences are estimated by Sir Eyre Coote at above Seven Lacks of Rupees a Month, which, he declares, “ must all come from Bengal, as there were no Resources in the Carnatic, from which a single Pagoda was to be expected.”

6th. In Bengal, I am first to observe to you, that all the Establishments in the Civil Departments have been immoderately increased since Sir John Clavering's Death; but these, however great in themselves, are not to be mentioned in Comparison with the Excess to which the Military Charges have been carried in the same Period. In the 28th Article of the Instructions which General Clavering, Colonel Monson, and I, carried out with us, in the Year 1774, the Company say, “ Our Military Expences at Bengal having increased to a Degree, which is become *insupportable* to us, we, in an especial Manner, enjoin you to make strict Enquiry into the Causes of such Increase, &c.” At that Time, the Military Charge which the Company called *insupportable*, as in Truth it was, did not exceed Eighty Lacks of Current Rupees per Annum; the Estimate of the same Establishment, for the Year ending in April last, amounted to Two hundred and Fourteen Lacks and an Half; and this Charge, I conclude, has increased in the current Year; I am sure it cannot have been diminished. I am unwilling to say any thing of the actual State of the Army, in regard to its effective Strength, compared with the Establishment, its Discipline, or the Punctuality with which the Native Troops are paid, because it would be going out of my own Department, and partly because I cannot give you Lights on this Subject, from my own direct Knowledge of it: Thus far however I think it my Duty to say, that from my own Observation, and from all the Information I have been able to collect, I have too much Reason to believe, that your Army actually wants a strict Inspection into its Discipline, and a vigorous Command over it; and that this is true in a Degree much beyond what you will be inclined to believe, or what I could make good. The Thing in its Nature is not capable of Proof in England, your Judgment therefore must be guided and determined by your Opinion of the Veracity and Honour of those whom you consult.

7th. In the Report of the Committee of Proprietors, I am sorry to observe, among several other exceptionable Articles, that Credit is taken for Outstanding Debts due to the Company in Bengal, to the Amount of Current Rupees 77,22,548, and that this Sum makes Part of the final Balance of Pounds Sterling, supposed to be in Favour of the Company, just as much as the Money in your Treasury, or the Value of the Goods in your Warehouses, in London. I beg Leave to assure you, that these Debts, or the greatest Part of them, have stood for Years on the Company's Books, and are believed in Bengal to be desperate. I declare to you I never heard of a Debt of any Consequence being recovered by the Company in India. If *these* Debts were of a recoverable Nature, it is to be presumed that a considerable, or at least some Part of them, would have been recovered at a Time when the Governor General and Council were trying every possible Expedient to borrow Money at an

## A P P E N D I X, N<sup>o</sup> 7.

high Interest : But the Fact, on the contrary, from a Comparison of the Accounts in my Possession, stands thus :

25th September 1779, Total Debts due to the Company	—	—	—	108,21,543
31st October 1780, Ditto	—	—	—	110,74,218
Increase of Debts due to the Company in those Thirteen Months	—	—	—	2,52,675

8th. Thus far, without descending to minuter Objects, I have confined myself to what I believe to be strictly the Facts, in stating to you the general Situation of your Affairs : My Opinion on some of them shall be laid before you, with the same Freedom and Sincerity.

I find, with Concern, that a Habit begins to prevail in this Country, of sending out new Corps of Europeans for the Service in India. In my Judgment, and in that of all the Officers of Experience with whom I have conversed in Bengal, you would find it a much less expensive, and a much more effectual Method of providing for that Branch of your Service, if you sent out Recruits sufficient to complete the European Regiments at the several Presidencies. The dividing those Regiments into Two Battalions each, when the Companies could not shew above Twenty-three Rank and File, was a most ill-advised Measure, and produced many bad Effects, besides a very great Increase of Expence. When I left India, they wanted more than Half their Complement. Your Army in Bengal, if the Establishment be kept complete, is sufficiently numerous ; it does not want Field Officers, at least not many ; nor Captains, nor Subalterns ; in these Ranks, I believe your Army is as well supplied as any Service in that Country can require : But it does want Two or Three General Officers, Men of Activity, of Experience, and of established Reputations ; if possible, they should be in the Prime of Life, and as high in Point of personal Rank as can be found ; under *their* Inspections, your Establishments will be kept complete, and your Troops in general, acquire as much Discipline and Vigour, as an Indian Army is capable of, or as the Nature of that Service is likely to demand.

9th. With respect to your Connections or Differences with the Country Powers, I have already told you in what Estimation the English Name and Authority are universally held by those Powers. The Re-establishment of Peace in India, which in Effect is no more than reverting to your own original Principles, is now become indispensably necessary, not only to your Prosperity or to your Safety, but I say, to your Existence. If the present Wars are to be continued, you can no more support the Consequences of Success than of Defeat : No Victory in India will ever again pay the Expence of the Army that gains it. I need not tell you, what Effect another Defeat might produce. The Disaster which befel Colonel Bailie's Detachment, was felt in the most distant Parts of our Provinces : Another Event of the same Nature would, as I apprehend, go near to drive all the Sepoys out of your Service.—Before the late unfortunate Transactions on the Two Coasts, the Reputation of your Arms had supported your Credit and Influence throughout India. But that Reputation has been wantonly hazarded, and severely wounded ; and your Credit and Influence have accordingly sunk along with it. Peace then, at all Events, must be your Object. On this Point I can give you other Explanations, if they are desired ; if not, I shall content myself with saying, that the Indian Powers have lost all Confidence in the Good Faith and Steadiness of the Government of Bengal.

You cannot but be thoroughly possessed of my Opinion of the Injustice and Imprudence of all our Proceedings with respect to the Marrattas : On this Subject you *now* have all the Evidence before you, that Argument *and* Reason, confirmed by the most ruinous Experience, are capable of furnishing. In attempting to support the Pretensions of Ragoba, and the Views of the Presidency of Bombay, you found the *unanimous* Opinion of the Governor General and Council, that is, of Men who seldom agreed in other Points, decidedly against the Measure. This was true at least in the Year 1775, though a different System has since prevailed in Bengal. I shall say nothing of the Conduct of Mr. Hastings's Negotiation with Moodajee Boosla. You see to what a State they have reduced us, and in what Conclusion they have ended. In my Judgment, the Principle on which that Scheme was professedly founded, stood in Opposition to the obvious Dictates of sound Policy and common Sense. After the Death of Madharow in 1772, the Union of that great Body, which constituted the Maratta Empire, was dissolved. The principal Chiefs set up for themselves, and no longer acknowledged any one common Superior ; or, if they acknowledged the Superiority of the Infant Peshwa, it was purely a Matter of Form. In this State, they naturally endeavoured to secure their respective Independence, by courting the Friendship, or at least by avoiding the Enmity, of the English Power. In what Sense could it possibly be our Interest to restore the Union of an Empire so dissolved, supposing the Attempt practicable, or to vest its united Strength in the Hands of a single Person ? In the Year 1778, they were so divided among themselves, that nothing but our invading their Country, with the avowed Design of overturning their Government, could have made them act together.—Such was the Plan of Mr. Hastings's proposed Alliance with the Rajah of Berar, as it stands exhibited in his Instructions to the late Mr. Elliot, in July 1778, and in many other recorded Documents. The same Plan included another Object, not less unwise in Point of Policy, and still more dangerous in the Execution than the first : I mean the Project of uniting with Moodajee Boosla, to invade the Dominions of Nizam Ally Khan, and to deprive him of a considerable Part of his Possessions. From this Project, which could not be long a Secret to the Nizam, the subsequent Union, which appears to have been concerted by



## A P P E N D I X, N° 7, 8.

him, between Hyder Ally, the Marattas, Moodajee Booslah, and himself, took its Origin. The Invasion and Ruin of the Carnatic sprung from the same Source; and, in Conclusion, the Rajah of Berar, for whose Advancement the Plan is professedly formed, joins in the Confederacy against us, and in Effect (though not yet avowedly when I left India) becomes one of the most dangerous Enemies we have to contend with. If this Confederacy should not be strong enough to maintain itself, and to accomplish the Designs of the contracting Parties, whatever they may be, their last Resource will unquestionably be, to call in the French to their Assistance.—I will not trespass, Gentlemen, any longer on your Patience.—If Objections are made to any Thing advanced in this Paper, I believe I can answer them. If Explanations are wanted, I am ready to give them.—In entering so far as I have done into such a Detail, it is not my Purpose to criminate any Man, nor even to condemn Measures, merely for the Sake of condemning them.—Your Governments in India are actually involved in a Labyrinth of Difficulties. I therefore think it my Duty to trace to you the principal Steps by which you have been, imperceptibly to yourselves, misled into this Labyrinth; because I believe it to be the surest, if not the only Method you can take, to find your Way out of it.

P. Francis.

## A P P E N D I X, N° 8.

*Copy of a Letter sent over some Time ago by Mr. Francis, late one of the Council of Bengal, and a Passenger in the last arrived Ships.*

To the Court of Directors.

Calcutta, 12th December, 1780.

Gentlemen,

**T**HE Accounts you will receive, of a Duel between Mr. Hastings and me, I presume will attract some Degree of your Attention. It concerns my Honour and Reputation, that the Transaction should be accurately stated to you in the first Instance, and through you to the Company. It also concerns the Company's Interest, that the Cause of this Event, with all the public Acts or Declarations of the Members of this Council, immediately or remotely connected with it, should appear fully before you. The only fair and impartial Method of bringing them forward, is by laying before you, as I now do, authentic Extracts of such our Proceedings, as have a Relation to them, without Narrative or Comment.

The Papers I send you enclosed, are not only necessary to possess you of the Nature and Occasion of the personal Difference between Mr. Hastings and me, but will give you such a View of the State of the Company's Affairs in this Part of India, and of the Measures which have produced it, as I trust will make a deep Impression on your Minds.

We are now endeavouring to tread back the fatal Steps which have been taken in the last Three Years, by this Government, and by the Presidency of Bombay; but I would not undertake to answer for the Success of our present Endeavours, because a right System may be attempted too late, or the Means taken in Pursuit of it, may not be the wisest that might be chosen. In our Circumstances, it is very difficult to say what Plan is likely to succeed, or what Plan is free from Objection. I shall contribute my Advice and Assistance as long as I continue in the Council; but I will not embarrass the Execution of Measures, which may prevail against my Opinion, by a useless, perhaps a dangerous, Opposition to it. My Efforts to prevent the Distress which has fallen upon your Affairs, were exerted, without Remission, during a long Period, in which they might have been of essential Service to you, if they had either been regarded here, or supported from Home. You have suffered the Company's fundamental Principles of Policy to be overset; their Instructions to the Governor General and Council to be violated, and your own specific Orders, in various Instances, to be disobeyed with Impunity. You have heaped Condemnation, from Year to Year, on the Governor General and another Member of your Council, in the strongest Terms that ever were applied to Men, possessing so high a Trust and Station, and not instantly divested of both. You have also been pleased to favour the late Sir John Clavering, Colonel Monson, Mr. Wheeler, and me, with repeated Assurances of your Approbation of our Principles and Conduct, and with repeated Promises of Support. You have given us Reason to expect definitive Orders and Regulations on many important Subjects,



## A P P E N D I X, N° 8, 9.

Subjects, which have never been sent; particularly in an Instance of the first Magnitude and Importance, in which you have declared to us, "That the Measures which it might be necessary for you to take in Consequence thereof, in order to retrieve the Honour of the Company, and to prevent the like Abuse from being practised in future, should have your earliest and most serious Consideration."

At the End of Six Years, since the Institution of the present Government, the concluding State of Facts is, that the Men whose Conduct you have so condemned, have never received any serious Proof of your Displeasure; but on the contrary, have been continued in Trust and Station by a new Appointment; and the Principles and Measures which you have constantly reprobated, have been suffered to prevail and operate, from Year to Year, to their present Conclusion, in the Face of your own Orders and Instructions, against the most strenuous Opposition in the Council; and notwithstanding the strongest Remonstrances, both public and private, accompanied with the clearest Explanations of the real State of Affairs here, which have been sent Home by every Means in my Power, since my Arrival in the Country.—Look back to the Situation of your Affairs, as long as Sir John Clavering's Efforts and mine had Weight enough to preserve the Peace of India, to which, in the first Article of our Instructions, you ordered us to fix our Attention, and compare it with that to which an opposite Policy, permitted, if not encouraged, by yourselves, has reduced them. Every Step that led from one to the other, was regularly marked to you as it was taken. Every Event that has happened was foretold. I will not now predict to you what is likely to be the Condition of all the Company's Possessions in India: At the Time when you will receive this Letter, you will have Facts enough before you to judge for yourselves.

The Struggle to which I have dedicated my Labours so long without Effect, and in which I have sacrificed my Repose and the Peace of my Mind, to no Purpose, is now at an End. In the Course of Three Months I mean to quit Bengal, and return to England, where it is possible my Presence may be of some Use to the Company, though it is of none here.

I have the Honour to be,  
Gentlemen,

Your most obedient humble Servant,  
(Signed) P. Francis.

---

## A P P E N D I X, N° 9.

*Extract of Bengal Revenue Consultations, the 23d of May 1775.*

**T**HE Governor General proposes, That as the dispatching the Northumberland he hopes will leave a less Weight of Business on the Hands of the Board, than with which they have been hitherto loaded; and as the Suspension of the Business of the Sudder Dewannee Adaulut may prove a great Obstruction to Justice, the Board do set apart every Wednesday as formerly, for the regular Meeting in this Court: That it be made a Rule of the Court, that Two Members may be sufficient to compose it; and in Case of a Difference of Opinion on any Cause, a full Court may be summoned at any Time for the Rehearing of it. He will gladly take his Share in this Attendance, which may be so contrived as not to impede other Business. If this be agreed to, he will further propose, that public Notice be given, in the usual Manner, that the Court will be open again, and assemble regularly every Week, that such Persons as have Appeals to make, may attend.

Mr. Francis.—I think, that before the Court of Sudder Dewannee Adaulut shall assemble, we ought to apprise the Judges of our Intention, in order that if our Proceedings be liable to any Objection on their Part, from a clashing of Jurisdiction or otherwise, they may previously apprise us of it; otherwise it may happen, that our Decrees, which, from the Nature of the Institution ought to be final, may be appealed from to the Supreme Court, and reversed there.

The Court of Sudder Dewannee Adaulut, is supposed to be the last Resort; if any Appeal from its Decree should in any Instance be received by the Supreme Court, I conceive that our Jurisdiction would be thereby ipso facto abolished.

Mr.

## A P P E N D I X, N° 9.

Mr. Barwell.—I agree to the Governor's Proposal.

The Honourable Mr. Monson.—I understand the Sudder Dewannee Adaulut to be a Court of Appeal, from which there is no Resort. As the Causes which come before this Court, may afterwards be carried into the Supreme Court of Judicature, I think this Court totally unnecessary, as Appeals from the Provincial Dewannee Adauluts may be made to this Board, and they may go under an Examination here, and if this Board think proper to confirm the Decrees of the Provincial Councils, I think their Authority cannot then be called in Question by the Supreme Court of Judicature.

General Clavering.—The Court of Sudder Dewannee Adaulut, being a Court of Appeal from the Courts of Adaulut established in the Country, its Decisions ought to be final. Sir Elijah Impey, as I understand, has declared, that it would be dangerous to bring the Powers of the Supreme Court and the Supreme Council into Discussion; and in a Letter received from the Judges Yesterday, they have acquainted us, that they will oblige all Persons who apply for Writs, to swear, that the Person against whom the Writ is intended to be issued, is subject to the Jurisdiction of that Court; that is to say, that he shall swear to the Facts or Circumstances by which the Person becomes amenable to the Court. If they acted conformably to this Declaration, I cannot conceive in what Manner they have deemed many Zemindars, who have been arrested, to be brought to Calcutta, to come under that Description. If they consider a Person to be a Servant of a British Subject, because he receives a Pension from this Government, they may equally allow a Writ to be issued against the Nabob, or the King Shah Allum; I therefore think, that the Court is useless, till the Jurisdiction of the Supreme Court be declared, that it will not, under any Pretence whatever, interfere or receive Complaints upon Matters relative to the Revenue, whereupon either the Courts of Adaulut may have decided, or which finally shall be so by the Court of Sudder Adaulut. If the Members of this Council shall be of Opinion, that the Judges will give us any Satisfaction upon that Subject, I should advise that Mr. Francis's Proposition be adopted, of writing to the Judges to obtain their Information from them.

Governor General.—I conceive the Rule established by the Judges of the Supreme Court, the most, if not the only effectual Means of preventing Suits being brought before them, which do not appertain to their Jurisdiction; but I apprehend, that it will not immediately produce its complete Effect.

All Innovations, of whatever Utility, require Time to bring them to Perfection, to be universally understood, and to be guarded by the subsidiary Regulations against the Inconveniences to which they may be liable in their first Form. In the Case of a Zemindar, against whom Application may be made by a Writ in the Supreme Court, the Plaintiff or Prosecutor may be obviously misled by the Zemindar's monthly Stipend, or he may designedly discontinue it; and, under Pretence of his being a Servant, and receiving the Wages of the Company, may make Oath accordingly; it will remain, therefore, to be decided, whether such a Stipend infers the Possessor of it to be a Servant of the Company. To me it appears, that it cannot, by any Construction, be so understood. And in the first Instance in which it shall come into Debate before the Court, their Decision upon it will serve as a Precedent for all future Cases of the like Nature; but, until it is so determined, it appears to me indispensably necessary, that every Person against whom Complaint shall be made to the Supreme Court while such a Doubt remains, whether he is or is not amenable to its Jurisdiction, must appear before it, either in Person or by his Attorney, and plead to its Jurisdiction, before the Cause can be dismissed, otherwise every Man might refuse to submit to their Authority. I do not mean this as an Objection to Mr. Francis's Proposition; but to give my Sentiments of the Proceedings of the Court in the Cases alluded to by the General.

Agreed, That the Judges of the Supreme Court of Judicature be written to as follows:

Sir Elijah Impey, Knight, Chief Justice, and the Judges of the Supreme Court of Judicature at Fort William in Bengal.

Gentlemen,

From the first Establishment of the Supreme Court of Judicature in Calcutta, we were apprehensive, that Difficulties and Inconveniences might possibly arise in the general Administration of Civil Justice, and in the Collection of the Territorial Revenues of these Provinces, from a clashing of Jurisdiction between the Supreme Court, and the Dewannee Courts of Adaulut, which were instituted under the Authority of the Duan, for hearing and determining all Civil Suits whatsoever, between Native and Native, and all Causes relative to the Revenue. Our Doubts on this Subject had a more particular Relation to the Court of Sudder Dewannee Adaulut. We beg Leave to inform you, that this Court was instituted to receive and determine Appeals from the Provincial Dewannee Adauluts; that the President, with Two Members of the Council, preside therein, attended by the Dewan of the Khalsa, the head Canongoes, and other Officers of the Cutcherry. This Court of Appeal, being composed of the Members of the Council, it necessarily follows, that it can be held nowhere but in the Town of Calcutta: For that Reason, it may appear to assume and exercise judicial Powers, inconsistent with the local Jurisdiction of the Supreme

## A P P E N D I X, N<sup>o</sup> 9.

preme Court. Under these Doubts, and under the Uncertainty, whether our proposing any Questions to you, concerning the Limits of your Jurisdiction, might not be liable to Objection, we have hitherto thought it adviseable to suspend the sitting of the Dewannee Sudder Adaulut. But as, on the one Side, a further Suspension of the Proceedings of that Court would defeat the Purposes for which it was instituted, and operate in Effect to the total Abolition of the Court; and as on the other, we know not how far we can safely and legally sit as Judges in a Court of Appeal, whose Decrees must, from their Nature, be final; we have thought fit, before we came to any Determination, to request your Opinion, Whether, supposing the above Court should resume their Proceedings, an Appeal from their Decrees will be to the Supreme Court? Whether the Cognizance of any Cause brought by Appeal before us, can be removed by your Authority, to the Supreme Court of Judicature? or, Whether the Decrees of the Court of Dewannee Sudder Adaulut, will justify the ministerial Officers of the Court in carrying those Decrees into Execution?

Considering the Principles on which this Court was instituted, and the Power with which it was vested to decide in the last Resort, we conceive, that if an Appeal from its Decrees should, in any Instance, be received by the Supreme Court; or if a Cause may be removed from thence to the Supreme Court; or if our Officers are liable to Prosecutions for carrying our Decrees into Execution; in all, or any of these Cases, the Jurisdiction of the Court of Dewannee Sudder Adaulut would be *ipso facto* abolished.

Fort William,  
23d May 1775.

We are, &c.

### *Extract of Bengal Revenue Consultations, the 25th July 1775.*

Read the following Letter, from the Judges of the Supreme Court of Judicature, in Answer to the Questions contained in the Board's Letter of the 23d May.

Honourable Sir and Sirs,

We thank you for the Caution you use in submitting Questions to us. Though we are not in general justifiable, and therefore ought to be reserved in delivering extra-judicial Opinions; we are at all Times desirous of affording you every Assistance and Information that is compatible with our Duty. As the Questions now proposed will, as we apprehend, never come judicially before us, and as we shall thereby prevent the Suspension of Justice, we are much pleased to feel ourselves at Liberty to give you direct and full Answers.

1st. If the Dewannee Sudder Adaulut should resume their Proceedings, an Appeal from their Decrees will not lie to the Supreme Court.

2d. The Cognizance of any Cause, brought by Appeal before that Court, cannot be moved by our Authority into the Supreme Court.

3d. The Decrees of the Dewannee Sudder Adaulut will justify the ministerial Officers of the Court, in carrying those Decrees into Execution, in all Cases in which the Provincial Dewannee Adaulut had legal Jurisdiction in the original Cause.

We take the Liberty of adding, that as the local Jurisdiction of the Supreme Court is limited to the Town of Calcutta, the Factory of Fort William, and the Limits thereof, we hope you do not entertain any Apprehension, that the Authority of the Criminal Courts exercising Jurisdiction elsewhere, either in the Provinces at large, or in the Purgunnahs adjacent, are affected by the Establishment of the Supreme Court; for we should be extremely sorry that our Powers, which are calculated to promote, should in any Instance, be understood to impede the Course of Justice.—We did not receive the Honour of yours, of the 23d, till this Day.

Mr. Justice Chambers is absent from the Settlement on a Visit. We know we must have had his Concurrence, and would not suffer a Moment's Delay in your Proceedings, as soon as it was in our Power to prevent it.

We are,  
Honourable Sir and Sirs,  
Your very humble Servants,

(Signed) E. Empey,  
S. C. Lemaistre,  
John Hyde.

Calcutta,  
May 28th, 1775.

A P P E N D I X, N° 10, 11.

A P P E N D I X, N° 10.

*Copy of a Letter from the Governor General of Fort William, in Bengal, to the Chairman of the Court of Directors, dated 6th January 1781.*

To the Chairman of the Court of Directors.

Sir,  
**H**AVING thought proper to appoint an Agent at Home, for the Purpose of attending to my political Interests, and managing all my public Concerns, I take this Opportunity of acquainting you, that I have selected Major Scott for this Service; and have furnished him with suitable Instructions: And as this Gentleman is possessed of every necessary Information relative to the State of this Government, he will be ready to communicate with you, on all Matters wherein you may think it proper to ask his Opinion.

It is material to me to make one Observation; that, in my Instructions to Major Scott, I have particularly provided, that I will suffer no Person whatever to perform any Act in my Name, that shall be construed to imply a Resignation of my Authority; protesting against the Exercise of so dangerous a Power, from its having been assumed upon a former Occasion, without being warranted by my Consent, or by any previous Instructions, that could bear the most distant Tendency to such a Measure.

I have the Honour to be,

Sir,

Your most obedient,

and most humble Servant,

Warren Hastings.

Fort William,  
January 6th 1781.

*Extract of a Letter from the Governor General and Council at Fort William in Bengal, in their Secret Department, to the Court of Directors of the East India Company, dated 7th January 1781.*

The Departure of Major John Scott to Europe, by express Appointment from the Governor General, as his private Agent, affording us an Opportunity of addressing you, we have the Honour to avail ourselves of it, in transmitting to you, in Triplicate, our last Advices from this Department by the Ships Fox and Walpole.—Major Scott has taken his Passage on a Portuguese Ship, which being to stop in her Way at Fort Saint George, we have recommended it to the President and Select Committee at that Place, to embrace the same Occasion of transmitting to you a Relation of the Occurrences upon the Coast, to the latest Period of Major Scott's Stay.—We beg Leave to recommend this Gentleman to your Favour; and that he may be restored to the Company's Service, without Prejudice to his Rank, if he should be hereafter desirous of returning to Bengal.

---

A P P E N D I X, N° 11.

*The Evidence respecting the State of the Gaol.*

**M**R. James Creasly being examined, said, That he lived at the Dock Yards at Kidapore, within Two Miles of Calcutta, about Eighteen Months; that he left Calcutta about 15th April, 1779. And being asked, Whether, during the Time he was at Calcutta, he had any Knowledge of the Common Gaol of that Place? he said, Yes, he was imprisoned there by a Sentence of the Supreme Court, upon Two Actions for Trespass, upon Assault and Battery—that he was confined Two Days and One Night—that the Gaol is an old Ruin of an House; it appeared to him to have been formerly the Residence of some Black Native—there were very few Windows to admit Air, and those very small—during the Time of his Confinement, he asked the Gaoler how many Souls were then confined in that Prison? who answered, Upwards of 170, Blacks and Whites included—that there was

## A P P E N D I X, N° 11.

no Gaol Allowance, and that many Persons had died for the Want of Necessaries of Life; and that he believed more would have died, if he had not relieved them out of his own Pocket—the nauseous Smells, arising from such a crowded Place, was beyond Expression—besides the Prisoners, the Number of Women and Attendants, to carry in Provisions and dress Victuals, was so great, that it was astonishing that any Person could long survive such a Situation. Being asked, What were the Dimensions of the Gaol? he said, It is built round a small Square, of about Fifty or Sixty Feet in Dimensions, but he cannot speak positive as to the exact Dimensions—that the Building appeared to him to be about Sixteen or Seventeen Feet wide—he thinks the Building did not go quite round the Square—that there is a Wall and a Gateway, but he did not see the back Part of the Prison—he thinks the Building is Two or Three Stories high, but he cannot say which. And being asked, Whether the Prisoners were, without Discrimination of Cast or Religion, mixed together in the Gaol? he said, As it is a common Gaol, he never heard of any other Distinction but what the Gaoler chose to make: The Gaoler was so indulging to him, as to permit him to reside in the Apartment belonging to himself. Being asked, Whether there seemed to be in the Prison, Apartments proper to accommodate Persons of Rank and Distinction? he said, No, it was the most horrible Place he ever saw, take it altogether; there are little Partitions, but for want of Windows to admit Air, even if they were appropriated for particular Persons, they would be very uncomfortable Dwellings. Being asked, Whether the Prison is supplied with plenty of good Water, by Pipes, or any other Method? he said, He never saw any but what was brought in in Pitchers, from a Tank near the Court House, which Water is very good. And being asked, Whether there was any Want of that good Water? he said, He heard no Complaints; he was there but a short Time.

Then Mr. William Hickey being examined, was asked, Whether he was acquainted with the Gaol at Calcutta? he said, Perfectly well, he has been in it very often; he visited an Englishman who was confined there—you enter the Prison by a large Gateway, over which is the Gaoler's Apartment; you then enter a Yard; the Space from the Gateway to the Prison, he thinks is about Twenty Yards; the Prison, he supposes, is about One hundred Feet in Front, and about Thirty Feet deep; it is what is called here, a Single House; it is divided into small Apartments, and those very bad; the Stench dreadful, and more offensive than any he ever experienced in this Country—that there is no thorough Draught of Air, but formerly there might have been—the Windows are neither large nor numerous—the Rooms are low in Comparison to the Rooms of Houses in India, but in this Country they would not be deemed low—there are some open Drains which run into the back Yard, from which, in a great Measure, he conceives the Stench to arise. And being asked, Whether there are commodious separate Apartments, fit for the Reception of Prisoners of Distinction? he said, Certainly not one in the Prison—there is a large Yard at the Back of the Prison; it is nearly about One hundred Feet square; the Prison is on one Side, and on the Three other Sides a high Wall; in the Middle is a Tank, in which the Prisoners promiscuously bathe, and wash their Cloaths; the Tank is nearly about Thirty Feet square—the Person he visited had erected a small Tent of Bamboo and Matting in this Yard, at his own Expence, by the Sheriff's Permission, which is an Indulgence generally allowed to Europeans—that this Person has frequently told him, that it would be impossible for any European to exist any Length of Time in the Prison, but even in that Shed, it was at Times scarcely to be endured, from the Stench of the Tank, Drains, &c.—he experienced the Stench himself, which the Prisoners told him came from the Tank, but this was nothing like what he had experienced in passing through the Prison. And being asked, Whether that Tank appeared to him a commodious Place for decent Persons to bathe in, and make their Ablutions? he said, He thinks not. Being asked, Whether Water is laid into the Prison at the public Expence? he said, He does not know; he conceives not, because he was asked for Charity by a female Prisoner, and she asked for Money to pay her Servant Boy for bringing Water to her, and that if she did not get the Money she would have no Water; she spoke in Moorish, which he did not understand, but it was interpreted to him. Being asked, Whether Hindoos, Mahomedans, and Europeans, were thrown indiscriminately into that Prison? he said, They were all together, with the Exception of the Indulgence to Europeans before mentioned. And being asked, Whether the Debtors and Criminals were separated? he said, No, he has frequently met Prisoners with Fetters on? being asked, Whether the Men were separated from the Women? he said, He believes not, but he is not positive. Being asked, In what Manner the Food for the Prisoners is provided? he said, By the Prisoners themselves, or by their own Servants. Being asked, Whether he has seen the King's Bench Prison? he said, He has. Being asked, Which he thinks the most commodious Prison, considering the Circumstances of the Two Countries? he said, They will not bear a Comparison, Calcutta is so much worse. Being asked, Whether he thinks Imprisonment in the Two Countries, under any Circumstances, similar in its Effects? he said, He conceives it much more likely to prejudice the Health, even of the Natives there, than here—that the Sheriff has the Superintendence of the Gaol—and all Complaints from the Prisoners are made to him—that there were great Numbers sick when he was there. And being asked, Whether there was any Infirmary or Provision for the Sick, or any Medical Assistance allowed to the Gaol? he said, He believes none, he never heard of any.





S E C O N D  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXII.



---

---

S E C O N D  
R E P O R T  
F R O M T H E  
S E L E C T C O M M I T T E E,

Appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted.

---

**W**HILST your Committee were diligently pursuing the Orders of the House, Advices were received from India of an Event that claimed their immediate Attention, which was the Expulsion of Rajah Cheyt Sing.

Your Committee find that Cheyt Sing, Rajah of Benares and Gazypoor, was, upon the Decease of his Father, Rajah Bulwant Sing, at the particular Request of the President and Council of Bengal, confirmed by Treaty in the Possession of those Zemindaries by the Vizier Sujah Dowlah, to whom he was Tributary.

That upon the Death of the Vizier Sujah Dowlah, in 1775, the Governor General and Council of Bengal concluded a Treaty with Mirzy Amany, the Son and Successor of Sujah; by which the Zemindaries of Benares and Gazypoor were surrendered in Perpetuity to the English Company, subject to the entire Rule and Management of Rajah Cheyt Sing as heretofore, on Condition of his paying the same Tribute to the English Company which he formerly paid to the Nabob of Oude, and which Tribute amounted to ~~near~~ £. 260,000 per Annum.

The Expulsion of a Rajah of the highest Rank from his Dominions; a Rajah who paid the largest Tribute into the Treasury, whose Possessions are secured to him not only by the Faith of public treaties, but in Consideration of Services performed by his Ancestor to our Nation; a Rajah who, ever since he became the Tributary of the Company, punctually performed his Engagements, and very seldom suffered any just Balance to remain beyond the stated Time of Payment—Your Committee were of Opinion, that they could in no Point more essentially perform their Duty than by entering into an immediate Investigation of the Causes which gave rise to this extraordinary Event.

And in order to shew the Origin of our Connection and Alliance with Bulwant Sing, Rajah of Benares and Gazypoor, and with Cheyt Sing, his Son and Successor, Your Committee have thought proper to submit to the House such Documents as they find in the public Records of the Company; concluding

concluding this Report with the Two Narratives of the Governor General, Mr. Hastings, of the 18th of August and the 29th of September, from Benares, to Edward Wheler, Esquire, a Member of the Council General at Calcutta, and by him transmitted to the Court of Directors.

Extract of Bengal Secret Consultations, 29th March 1764.

Received a Letter from Major Carnac, dated the 18th Instant, enclosing one he has received from Shitabroy, to which he refers us for Information of Shuja Dowla's Intention against us; and expressing his Concern to find, that by the Advices from Calcutta of the 8th, the Reinforcement under the Command of Captain Pemble had not yet begun their March, that their being so late renders it next to impossible for them to join him in Time, and that he must therefore put every Thing to Risk with the Force he has at present, however little to be depended on after what has passed; further advising us, that he would fain cross the Carumnassa, and give the Enemy a Meeting as far as possible from the Boundary, but that he fears the Distress they are in for Provisions, being only supplied from Day to Day, will not permit his doing so, and that he shall be obliged to keep close by the Ganges to secure a Conveyance by Water, having had Intimation that the Enemy's Design was to hover at a Distance around them, and endeavour to cut off their Supplies: That a Treaty of Alliance has been some Time in Agitation between the Nabob and Bulwant Sing, the Rajah of Benares: That the Nabob is now very anxious for it's being brought to a Conclusion, and proposed to him that Evening setting his Seal thereto on the Part of the English, without which the Rajah will not enter into any Engagement; that he shall be very unwilling to take a Step of such a Nature without first knowing whether it be agreeable to us, but that the present Exigency will not admit the Delay of waiting our Answer.

A Translation of Shitabroy's Letter to the Major being here read;

Ordered it be entered in the Books of Country Correspondence.

Having duly considered this Letter of Major Carnac's, we are unanimously of Opinion, that as Shuja Dowla has now openly espoused the Cause of Cossim Ally Cawn, and encourages his Design of an Invasion into Bengal, we can entertain no further Thoughts of entering into a Treaty with him. On the contrary, we think it our Duty to form against him all the Enemies we possibly can; that the proposed Alliance with Bulwant Sing will therefore be a very proper Measure, and prove as well now as in all Times to come, a strong Barrier and Defence to the Bengal Provinces.

Agreed therefore, that we write to Major Carnac, advising him, that we shall approve entirely of his entering into the intended Treaty in concert with the Nabob, and of his engaging to protect and maintain Bulwant Sing independant, both now and hereafter.

Extract of Bengal Secret Consultations, 26th April 1764.

Received Two Letters from Major Carnac, dated the 9th and 17th Instant; the former repeating and explaining fully the Reasons which determined him to cross the Soane, and retire towards Patna, and advising us that he is now convinced, from Bulwant Sing's Behaviour, of which the Major gives us an Account, that his proposed Alliance with us, was only a concerted Scheme to draw us further on, and so favour Shuja Dowla's Design of getting between our Army and Patna.

Extract of Bengal Secret Consultations, 11th June 1764.

That we are determined to prosecute the War against Shuja Dowla; and being of Opinion, that the Rains will not be any Impediment to the Operations, but on the contrary, with regard to receiving Provisions and Stores, rather a Convenience, from the Advance of the Rivers, we hereby direct, that he do immediately put the Army in Motion, leaving the necessary Garrisons in Patna and Mongheer, and cross the Soane, and pursue the Enemy as far as the Ganges, opposite to Benares, endeavouring, if possible to bring them to an Action. That in any Operations on the other Side of the River, it is our View to make as much Advantage as we can, without lessening greatly the Strength of our Army by the Detachment that is sent: That they may therefore endeavour to take Possession of the Gauzypoor Country, and collect its Revenues to assist in defraying the Expences of the War: That we desire the Officer commanding may be instructed, and that it may also be observed as a general Rule on all other Occasions, to prevent any Ravages being committed on the Country, or Injuries being done to the Inhabitants; on the contrary, that all Manner of Encouragement and Protection be given them, in order to gain their Affections.

## Extract of Bengal Secret Consultations, 25th June 1764.

Received a Letter from Major Carnac, dated the 16th Instant, acquainting us, that the Detachment he ordered over the Ganges, has procured the Effect he expected from it; for, upon Advice of their having crossed the Dewa, and began Hostilities in the Districts of Gauzypoor, Shuja Dowla has judged it necessary to retire towards his own Country.

## Extract of Bengal Secret Consultations, 28th June 1764.

That we are resolved to continue the War against Shujah Dowla, until he submits to the Conditions we have prescribed; viz, the Delivery of Meer Cossim, Sombre, and our Deserters: That the Object therefore of the Detachment on the North Side of the Ganges, must be to prevent Shuja Dowla from crossing the River, by destroying any Bridges he has made or may attempt to make over it, taking Possession at same Time of as large a Tract of his Country as they can, and if possible, of the City of Benares, and collecting the Revenues; but avoiding all Manner of Plunder and Ravage, particularly should the Detachment advance so far as to seize the City of Benares, especial Care must be taken that no Plunder is committed there.

## Extract of a Letter of Instructions to Major Hector Munro, dated 6th November 1764.

As Shuja Dowla has all along refused to submit to the reasonable Terms we demanded of him, and at last put the Whole to the Risk of a general Engagement, in which our Arms have been attended with such signal Success, we think it just and necessary to require for the Company some Cession and Compensation for this Risk, and the great Expence of the War in which he has engaged us.

With respect to Bulwant Sing, the Rajah of Benares, and Zemindar of the Gauzypoor Country, the double Part he acted in the Beginning of the War, sufficiently warns us to put no Confidence in him; and therefore, if he has not already been permitted to join you, or you have entered into no Engagements with him, we would have him dispossessed of his Country, and his Person, if possibly, secured.

It has always been the Rule of our Conduct to conciliate the Affections of the People in the Countries where we have made War, and prevent, to the utmost of our Power, all Manner of Plunder and Destruction. This we must recommend to your strict Observance; and think it the rather necessary on this Occasion, as the City of Benares, being reputed a Place of great Wealth, may be a Temptation to the Sepoys; and it would give us a particular Concern, were any Mischief committed in a Place which is so much respected for its Antiquity, and held sacred in the Eyes of the whole Country.

## Extract of Bengal Secret Consultations, 21st November 1764.

Translation of a Proposal from Rajah Bulwand Sing, by Soochet Roy, to Major Munro, with the Major's Answer.

Proposal.—If you, Gentlemen, choose to possess yourselves of Shuja ul Dowla's Country, I will agree to hold the Sircars of Benares and Gauzypoor, and Jaunpoor, and Bejeigur, &c. on the same Terms as I hold them from Shuja ul Dowlah, and I have commissioned Rajah Shitabroy to settle this Matter for me. I will besides take upon myself the Management of Auzingurra, and Two or Three other Districts, paying the customary Rents; and I request that you will give me the Sunnuds for them, and let me possess which was given to me Rent-free, as usual.

Answer.—For the present the Sunnuds shall be granted you, and you shall be established in the Territories till the Conclusion of the Negotiation with Shuja ul Dowla.

## Translation of a Letter delivered by Rajah Shitabroy, the 16th November 1764.

Rajah Bulwand Sing has written to me as follows: " If it is the Intention of the English Gentlemen to take Possession of Shuja ul Dowla's Dominions, I will agree to hold Benares and Gauzypoor, &c. which have long been under my Jurisdiction, the Revenues of which amount to about 24 Lacks of Rupees a Year, and I paid 170,000 Rupees Monthly, on the same Terms from the  
SIR. COM. REP. II. B " Company

“ Company as I did from Shuja ul Dowla.” He likewise desires, “ that in case the English Army should march forwards to conquer the Country, the Districts of Auzingurra and Coonda, &c. which are near to Benares, and be very convenient for him, may be added to his Jurisdiction.” As the Rajah is a Man who adheres to his Engagements, and pays his Rents regularly, if it is your Pleasure to take the Country, let the Management of the aforesaid Territories be committed to his Charge; and in case of an Accommodation with Shuja ul Dowla, yet let a favourable Answer be written to the Rajah, to set his Mind at Ease; he is a Person of high Rank, and the Zemindar of a frontier Country.

Extract of Bengal Secret Consultations, 26th November 1764.

Received a Letter from Patna, dated the 15th Instant, acknowledging the Receipt of ours of the 6th, and advising us, that Messrs. Billers and Dacres were in consequence preparing to set out to collect the Revenues of the Districts which we may take Possession of; also requesting, if the Army should proceed further, that we will order a sufficient Force to be stationed at Benares, for their better Security in that Business.

Agreed, we do write them in Answer, That should our Instructions to Major Munro occasion his advancing further than Benares, he will no doubt leave such a Force as may be necessary for collecting the Revenues: Further advising them of our having appointed an Establishment for this Service from hence; that Mr. Marriott will accordingly set out in a Day or two, and upon his Arrival Messrs. Billers and Dacres are to deliver over to him the Charge of the Business, and return to Patna; and that in the mean Time they will proceed upon the Instructions we have given to Mr. Marriott and his Council, of which we enclose them a Copy.

Extract of Bengal Secret Consultations, 6th December 1764.

Extract of a Letter from the Governor and Council to the Commander in Chief, dated 6th December 1764.

With regard to Bulwand Sing, we shall adhere to the Terms which you may have thought it necessary to make with him; but it is our View, so far as it can be done consistently with your Engagements, to have the Power and Authority over this Rajah and his Zemindaries vested in the Company, by Sunnuds from the King, holding them under him with the same Rights, and in as full a Manner, as enjoyed by Shuja Dowlah; and that the whole Rents so collected, shall be appropriated for the Use of the Company, and wrote off from the Books of the King's Revenues.

With respect to the Agreements entered into by the Inhabitants of Benares, for the Ransom of the City; we are glad that such an Opportunity has offered of obtaining a Reward to the Army for the very signal Service which they have rendered the Company, as well as a Compensation for the Loss which they sustained of their Baggage, in the Action of the 23d of October, nor can we have any Objection to it on this particular Occasion; but as we would consider the Country not as a Conquest, but belonging to the King, whom we have engaged to support against the common Enemy, no future Considerations of this Kind should be demanded from the Inhabitants, or expected by the Army, but every Care taken to conciliate the Affections of the People.

Proposals made by the King Shah Aalum, and inclosed in a Letter from Major Hector Munro to the President and Council at Bengal, dated from the Camp at Benares, the 22d of November 1764.

If this Country is to be kept, put me in Possession of it, and leave a small Detachment of the Troops with me, to shew that I am protected by the English, and they shall be at my Expence; that if any Enemy come at any Time against me, I will make such Connections in the Country, that with my own Troops and the afore-mentioned small Detachment, will defend the Country, without any further Assistance from the English, and I will pay them of the Revenues of the Country what Sum they shall demand Yearly. If the English will, contrary to their Interest, make Peace with the Vizier, I will go to Delhi, for I cannot think of returning again into the Hands of a Man who has used me so ill: I have no Friends I depend on more than the English; their former Behaviour to me will make me ever respect and regard them; now is their Time to be in Possession of a Country abounding with Riches and Treasure; I shall be satisfied with whatever Share they please of it. The Rohillas were always Enemies to the imperious Vizier; they are all my Friends.



Articles to be executed by the King; enclosed in a Letter from the President and Council at Benigal to Major Hector Munro, Commander in Chief of the Army, sent the 6th of December 1764.

In Consideration of the Assistance and Fidelity of the English Company, which has freed us from the Inconveniences we laboured under, and strengthened the Foundations of the Empire which God has given us, we have been graciously pleased to grant to the English Company our Royal Favours according to the following Articles, which shall remain firm both in present and in future:

As the English Company have been put to great Expence, and their Affairs exposed to Danger by the War which the Nabob Shujah ul Dowla unjustly, and contrary to our Royal Pleasure, waged against them; we have therefore assigned to them the Country of Gauzepoor, and the rest of the Zemindary of Bulwant Sing, belonging to the Nizamut of the Nabob Shujah ul Dowla: and the Regulation and Government thereof, we have given to their Disposal, in the same Manner as it was in the Nabob Shujah ul Dowla's. The aforesaid Rajah having settled Terms with the Chiefs of the English Company, is, according thereto, to pay the Revenues to the Company, and the Amount shall not belong to the Books of the Royal Revenue, but shall be expunged from them.

The Army of the English Company having joined our Standard, shall put us in Possession of Illiabad, and the rest of the Countries belonging to the Nizamut of the Nabob Shujah ul Dowla; and the Revenues, excepting those of Rajah Bulwant's Zemindarry, shall be in our entire Management and Disposal.

As the English Company will be at a further Expence in putting us in Possession of Illiabad, and the rest of the Nizamut of the Nabob Shujah ul Dowla, we will therefore, as we get Possession, grant to them out of our Treasury such a Proportion of the Revenues as the Exigencies of our Affairs will admit of; and when we are put in full Possession, we will reimburse the whole Expences of the Company in this Business from the Time of their joining our Royal Standard.

#### Firmaund executed by the King:

As the English Company have been put to great Expence, and their Affairs exposed to Danger, by the War which the Nabob Shujah ul Dowla unjustly, and contrary to our Royal Pleasure, waged against them, we have therefore assigned to them the Country of Gauzepoor and the rest of the Zemindarry of Rajah Bulwant Sing belonging to the Nizamut of the Nabob Shujah ul Dowla; and the Regulation and Government thereof we have given to their Disposal, in the same Manner as it was in the Nabob Shujah ul Dowla's. The aforesaid Rajah having settled Terms with the Chiefs of the English Company, is according thereto to pay the Revenues to the Company.

The Army of the English Company having joined our Standard, shall put us in Possession of Illiabad and the rest of the Countries belonging to the Nizamut of the Nabob Shujah ul Dowla; and the Revenues, excepting those of Rajah Bulwant's Zemindarry, shall be in our entire Management and Disposal.

It becomes the Company to shew their grateful Sense of our Royal Favours, and to exert themselves to the utmost in the proper Management and Regulation of the Country; to encourage and befriend our Subjects, to punish the Contentious, and expel the Rebellious from their Territories: They must use their best Endeavours to promote the Welfare of our People, the Ryotts and other Inhabitants; to prohibit the Use of Things of an intoxicating Nature, and such as are forbidden by the Law of God; in driving out Enemies, in deciding Causes and settling Matters agreeably to the Rules of Mahomed and the Law of the Empire; so that the Inhabitants may apply themselves, with Peace of Mind and Satisfaction, to the Cultivation of the Country, and the Exercise of other their Professions, and that the Weak may not labour under Oppression and Violence. They will consider these as our strict Injunctions.

Written on the 4th Day of Rajeb, the 6th Year of the Reign, 29th December 1764.

#### Extract of Bengal Secret Consultations, 6th December 1764:

Extract of a Letter from the Commander in Chief to the Governor and Council, dated 22d November 1764.

As soon as the Army encamped here I sent into Town safe Guards, and gave out the strictest Orders against pillaging or plundering the Inhabitants, some of whom had left the Place through Fear, and some remained in Hopes of being protected. The Place is now full of Inhabitants, and the Merchants have promised Four Lacks of Rupees for the Protection given them.

He, the King, is to write immediately to the Chiefs of the Rohillas and all his Friends, not to join the Vizier; and assures, that if he once got Benibahadre and Bulwand Sing to come in, the Vizier would leave the Country immediately, and never make any Head again.

Extract of Bengal Secret Consultations, 27th December 1764.

Received a Letter from Messrs. Billers and Dacres, at Benares, acquainting us of their Arrival there the 8th Instant, and that on their Application to Major Munro, they found he had made an Agreement with Bulwand Sing to leave him with the Collection of the Revenues, on paying the Company the same Annual Sum he had before paid to the Vizier Shuja Dowla, and that Major Munro had made this Appointment to Bulwand Sing in consequence of the King's Request, and had thought proper to assign the First Payment of this Collection to his Majesty's Use, on account of his having no other immediate Support.

Extract of Bengal Secret Consultations, 4th January 1765.

Extract of a Letter from Major Munro to Major Fletcher, dated 4th January 1765.

You will see by the Letters from the Board, that the King is to be put in Possession of whatever Part of this Country shall be conquered by our Arms, and the Management of it given to such as he pleases. I therefore called in Bulwant Sing at the Request of the King, but as he had offered his Services before that Time, or that I knew the Intentions of the Gentlemen of Calcutta of keeping the Country, I encouraged his coming in as much as possible, and upon his getting the Country as before, to collect the Revenues the same as he did for the Vizier, together with the King's. Sending Nabob Munier Dowla for him, he came in; and our Agreement with him for collecting the Revenues, has been since confirmed by the Board.

Extract of Bengal Secret Consultations, 17th January 1765.

Extract of a Letter from the Governor and Council to Major Munro and Mr. Marriott at Benares.

As it is our Interest and Desire, that his Majesty should receive every Testimony of our Respect and Attachment, we cannot but approve of the appropriating such a Part of Bulwant Sing's Revenues as can be spared from the Occasions of our own Army to the Relief of his present distressed Circumstances: You will only observe to take from him the proper Receipts and Promissory Notes, that he will refund the same to the Company whenever he shall have Ability so to do.

Extract of Bengal Secret Consultations, 21st January 1765.

At a Consultation; PRESENT,

Cha <sup>r</sup> . Stafford Playdell,	} Esquires.
Ralph Leycester,	
John Burdett,	

Received a Letter from Major Carnac, dated Cossimbuzar, the 5th Instant; advising of his Arrival there the Day before, and that he should proceed on as fast as the Things which are of immediate Necessity for his Journey can keep pace with him; that he has Advice of Bulwant Sing's having eloped from our Army.

Agreed we write him in Answer, That with regard to the Intelligence he mentions to have received of Bulwant Sing's having left our Army, we suppose it must be entirely groundless, not having had any such ourselves, and that no Engagements have been made with him but such as it is equally for his Interest as ours should be fulfilled.

Extract of Bengal Secret Consultations, 28th January 1765.

Extract of a Letter from Sir Robert Fletcher to the Governor and Council, dated 14th January 1765.

"I shall march this Night about Eleven o'Clock towards the Enemy, and shall not halt until I am in Shuja Dowla's Camp, though I fear we shall not be able to surprize him, as his Troops are distributed very properly to prevent it; however, I think he will not have Time to carry off his Baggage. He is Seven Cofs from us, and Sombre is Eleven. I shall be happy if they will stand. A general Action in all Probability would bring back Bulwant Sing, as well as occasion the Surrender of Chunargur."

We do not observe any Answer received from Bulwant Sing to Major Fletcher's Letter desiring him to return.

Received

Received also a Letter from Mr. Marriott, dated the 12th Instant, advising of his Arrival with the Army the 2d; that in Consequence of the Agreement made with Bulwant Sing, 90,000 Rupees had been paid out of the Collection of the Revenues before his Arrival, but not any since. Also advising us, that Bulwant Sing's having left the Camp (as mentioned by Major Fletcher) was under Pretence of defending a Place where his Family was, which Shuja Dowla had sent a Party to attack; and that as he has not yet committed any Hostilities, they are in Hopes he is at least neuter; that, however, he should do all in his Power to prevail on this Man to return, judging his Continuance with us of Consequence.

Extract of Bengal Secret Consultations, 21st March 1765.

At a Consultation; P R E S E N T,

The Honourable John Spencer, Esquire, President,  
Charles Stafford Playdell,  
George Gray, Esquires.

Received, since our last Meeting, Three Letters from Mr. Marriott, Chief of Benares, dated the 18th, 22d, and 28th ultimo; advising of Bulwant Sing's Return, and of his having, in Conjunction with General Carnac, settled with him for his Revenues to be paid the Company.

That on the Subject of the Agreement made with Bulwant Sing, and the Points therein referred to our Determination, we have not yet resolved any Thing.

Extract of Bengal Secret Consultations, 1st April 1765.

At a Consultation; P R E S E N T,

The Honourable John Spencer, Esquire, President;  
Charles Stafford Playdell, Esquire,  
Ralph Leycester, Esquire,  
John Burdett, Esquire,  
George Gray, Esquire.

Agreed also, that we do now write a Letter to the General and Mr. Marriott, on the Subject of the Agreement made by them with Bulwant Sing, as advised in their different Letters of the 18th, 22d, and 28th February, and 9th ultimo, That this Man acted from the First so wavering a Part, that we expressed in our Instructions to Major Munro, after the Battle of Buxar, our Wish to have no Manner of Connection with him, but rather that his Person should be secured, and some other placed in his Zemindary who was more to be relied on; however, as the Major had, previous to the Receipt of these Instructions, admitted him to a Treaty, and received him on the Faith thereof, that we consented to abide by it; in this also he failed, and therefore it was our Intention to have trusted him no further; which Sentiment is also expressed by the General in his Letter of the 15th January from Cossimbuzar, where he points him out as one by no Means to be depended on. That this is sufficient to inspire us with the strongest Doubts of his Fidelity, and give but too much Cause to apprehend, if Shuja Dowla should again move this Way with any considerable Force, or our Army at any Time receive a Check, that he will be the first to break his Engagements in favour of the Enemy; and as his Situation will always place him between our Provinces and our Enemy, he may be able to do us much Mischief, if allowed to keep up a Force. That after Bulwant Sing, in Violation of his Treaty, had deserted our Army, it was, as before observed, our Wish that the Country had been placed in the Hands of some Persons on whose Fidelity we might at least have had some Dependence, and whose Troops might have been an Addition to our own Strength in case of a Renewal of War; but, as it appears that Bulwant Sing has again been received back on the Faith of Promises made by them, that we shall abide by them, though we wish none had been made till our Sentiments had been known: That we can now only recommend that a strict Eye be kept upon his Conduct and Correspondence, and that he be not allowed to maintain such a Body of Forces as may on any Occasion be detrimental to us. That at the Time we say this, we are willing to give up those Articles amounting to Rupees 2,28,306. 10. which were left undetermined by them in Hopes of making it his Interest to remain faithful, by the Advantages he will reap from his Connection with us, the Security that we look for from extending our Frontiers being a greater Object than any Encrease of our Revenues.

Extract of Bengal Secret Consultations, 11th June 1765.

At a Select Committee ; P R E S E N T,

Harry Verelst,  
Francis Sykes, Esquires ;  
Mr. Sumner indisposed.

Letters from General Carnac, of the 26th and 27th ultimo, advising, That Shuja Dowla, as his last Resource, had thrown himself upon our Generosity, and was now actually in Camp, ready to receive such Terms of Peace as we shall prescribe. And this appearing to the Committee a favourable Opportunity for establishing the Tranquillity of the Country on a permanent Foundation, by stipulating no other Conditions than such as shall appear to be for the mutual Interest of the contracting Parties, equitable in themselves, and evidently calculated for the public Benefit ;

Resolved, That the General's Letter be acknowledged, his Sentiments approved, and the following Instructions sent to him for settling preliminary Articles with Shuja Dowla, which he is not to conclude definitively until Lord Clive's Arrival in Camp.

Bulwant Sing to be secured in the Possession of his Country, Nudjuff Cawn to be restored to the Possession of his former Dominions, and all those who either joined or assisted the English, to be favoured and encouraged.

The King's Honour, Safety, and Subsistence to be consulted.

Cosim Aly, Sombre, and the Deferters, to be demanded, or put to Death by Shuja Dowla himself ; but this last Article not to be considered as essential, though obtaining it would be agreeable ; it being the Opinion of the Committee, he should be engaged to our Interest by the Ties of Gratitude, and not by Compulsion.

To acquaint the General, that full Powers will be given to Lord Clive, in Conjunction with him, to settle every Thing as they shall think proper and necessary to the Stability of the intended Peace ; also to desire he would use his Influence to prevail with the Vizier to shorten Lord Clive's Journey, and meet his Lordship at Benares or Patna.

Extracts of the Treaty between the Nabob Shujah ul Dowla, the Nabob Nudjum ul Dowla, and the English Company, executed at Illiabad the 16th of August 1765.

Article 5.

His Highness Shujah ul Dowla engages, in the most solemn Manner, to continue Bulwant Sing in the Zemindaries of Benares, Gauzepoor, and all those Districts he possessed at the Time he came over to the late Nabob Jaffier Ally Khan and the English, on Condition of his paying the same Revenue as heretofore.

Article 7.

It being firmly resolved to restore to his Highness the Country of Benares and the other Districts now rented by Bulwant Sing, notwithstanding the Grant of the same from the King to the English Company, it is therefore agreed, that they shall be ceded to his Highness in Manner following ; viz. They shall remain in the Hands of the English Company, with their Revenues, till the Expiration of the Agreement between Bulwant Sing and the Company, being on the 27th of November next ; after which his Highness shall enter into Possession, the Fort of Chunar excepted, which is not to be evacuated until the 6th Article of this Treaty be fully complied with.

Article 9th.

All the Relations and Subjects of his Highness, who in any Manner assisted the English during the Course of the late War, shall be forgiven, and no ways molested for the same.

Extract of a separate General Letter from Bengal to the Court of Directors, dated 11th September 1770.

Par. 2. We have just received Advices of the Death of Rajah Bulwand Sing, who died at Benares the 23d ultimo, after a short Indisposition of some Hours.—A few Months ago the Rajah had gone through a long and painful Sickness, of which he had apparently recovered ; and, barring his old Age, and the Infirmities incident to it, he was far from being considered in any immediate Danger.—In our former Letter, Gentlemen, we expressed our Sentiments of the Consequence it was to your Affairs, that the Succession to the Zemindary of Benares should continue in the Family, but that it was a delicate Point to accomplish with the Vizier. A Regard to your Interest has long made it our Wish, but the doubtful Conduct of the Vizier has for some Time made it an unreasonable Measure. The Occasion however now demanded immediate Dispatch, and the President was requested to write the Vizier accordingly in Favour of the Son of the late Rajah, in Terms that would least awaken his Jealousy.—The Time has been, Gentlemen, when this might have been made a Demand ; but Circumstances

cumstances are now much changed, and even Address is necessary to solicit. A jealous, suspicious Disposition of the old Rajah, assited by the Distrust of their own Children inherent in the Minds of the People of this Country, may possibly have been the Reason why the Son was not included in the Treaty of 1765, for had he expressed a Wish to secure the Zemindary in his own Family, at a Time when the Vizier was receiving back his Country from our Hands, a Doubt can scarcely be formed but it would have been attended with Success; but suspicious probably of the Consequences that his Son should think he had a Right to the Succession, and equally fearing that the Measure might be attended with a considerable Reduction to his Treasures, from the usual Presents made on such Occasions, his whole Aim seemed to center in Self-Security, without the least Attention to the Good of his Posterity. Indeed it would appear at a Time when lately his Life was despaired of, this Thought first struck him, and he was desirous then to engage our Interests, and appeared no way backward to satisfy the Vizier as to any pecuniary Present which might be expected from him: But he was no sooner free from Danger, but his Love of Money returned upon him, and he became no longer eager to obtain his Wish, but solely through our supposed Interest with the Vizier, and meeting with no Inconvenience to himself.

Extract of a General Letter from Bengal to the Court of Directors, dated 31st October 1770.

Par. 30. In our Letter of the 11th ultimo we informed you of the Death of Rajah Bulwand Sing, and of the Measures we were taking with the Nabob Shuja ul Dowlah to induce him to settle the Succession of the Zemindary of Benares on the late Rajah's Son.

The Demands made by the Nabob's Agent were Twenty Lacks of Rupees as a Nazerannah, and Five Lacks per Annum as an Addition to the Sums stipulated by the Treaty of 1765. The Terms were however finally concluded on the 8th Instant, when the Nazerannah was settled at Seventeen Lacks, and the required Increase was reduced to  $2\frac{1}{2}$  Lacks of Rupees. Permit us, Honourable Sirs, to congratulate you on so very happy a Conclusion of an Event we deem highly important to your Interest.

31. The Vizier's Readiness in complying with this our earnest Recommendation and Request, has afforded us the greatest Satisfaction, and is a Circumstance the more pleasing, as it must give Strength to the Opinions of the several Powers in Hindostan, of the strict Friendship subsisting between the English and him; and his having considered Captain Harper as a necessary Witness to the Negotiation carrying on between his Agent Allage Cawn and the young Rajah Cheyt Sing, will serve as a Proof to the World that he meant not to take any Measure therein that might give the least Cause for Suspicion on our Part.

Par. 32. The President was requested to acquaint the Vizier with the proper Sense we entertain of the Attention he has paid to our Recommendation, and that we consider it as an additional Proof of his Friendship.

Extract of a General Letter from Bengal, dated 31st December 1770, to the Court of Directors.

Par. 18. With respect to the Son and Successor of Bulwand Sing, the Vizier has, as we before informed you, acted agreeably to our Desire. Cheyt Sing is now fully invested with the Government, to the entire Satisfaction of every one, and is considered by the Vizier as holding that Country on the same Terms as his Father, the Difference in the Revenues excepted. The whole are settled at Benares Rupees 22,48,449; which are 2,50,000 more than were paid by his Father. The Vizier expressed a Desire of seeing the young Rajah at the Marriage of his eldest Son Mirza Amany; the Rajah, sensible how much this Mark of Respect was due from him at that Time, promised to attend, but at length excused himself, perhaps by the Advice of his Father's Counsellors, who had kept alive the Family Enmity.

Extract of Bengal Secret Consultations of the 4th of October 1773.

Extract of Instructions from the President and Council at Fort William to Governor Hastings, dated 23d June 1773.

We empower you to renew, in Behalf of Rajah Cheyt Sing, the Stipulation which was formerly made with the Vizier in favour of his Father Rajah Bulwand Sing, in Consideration of his Services to the Company in the Year 1764.

Extract of Secret Letter from Fort William, dated 12th October 1773; received in London 26th March 1774.

Par. 5. We have obtained from the Vizier a Renewal of the Sunnuds in Favour of Rajah Cheyt

Cheynt Sing, and his Posterity, on the same Footing as it was granted to his Father Bulwant Sing, excepting only the Increase of  $2\frac{1}{2}$  Lacks to his Annual Tribute, which the Rajah had agreed to at his Accession in 1770.

Extract of Secret Consultations, Fort William, 4th October 1773.

Extract of the Governor's Report.

N<sup>o</sup> 3 is Persian Copy of a Cowlname or Engagement, which I obtained from the Vizier, confirming to Rajah Cheyt Sing and his Posterity, the Stipulations formerly made in Behalf of his Father Bulwant Sing.—N<sup>o</sup> 4 is an English Translation of it.—N<sup>o</sup> 5, Copy of the Vizier's Pottah or Rent-roll, fixed with Rajah Cheyt Sing for the Year 1178, and alluded to in the Cowlname.—N<sup>o</sup> 6, an English Translation of the Pottah.—N<sup>o</sup> 7, the Translation of Letter which I wrote to Rajah Cheyt Sing, as a further Assurance of the Conditions promised in the Cowlname.

The Cowlname was executed in my Presence, and attested by me. The Vizier desired that the Stipulations made in Favour of the Rajah might be executed in this Mode rather than by an Article in the Treaty, and it was equally satisfactory to the Rajah. I must remark, that he had already given the Rajah a Cowlname of this Tenor, soon after the Death of Bulwant Sing, through the Solicitation of Captain Harper, by the Order of the Select Committee; he could therefore have no reasonable Plea to refuse the Confirmation of it. Nevertheless he seemed to think his former Act of so little Validity, that he pressed me, in very earnest Terms, for my Consent, that he should dispossess the Rajah of the Forts of Leteeffgur and Bydgygur, and take from him Ten Lacks of Rupees, over and above the stipulated Rents; and he seemed greatly dissatisfied at my Refusal. He argued, that the Treaty of Illahabad related to Bulwant Sing solely, and was never meant to extend to his Posterity. I confess the Letter of the Treaty expresses no more; yet I cannot conceive that either the Rajah or Lord Clive, when the Treaty was made, could have intended it in that Sense. It has certainly been differently understood, both by the Company and by this Administration; and the Vizier himself had before put it out of all Dispute, by the solemn Act passed in the Rajah's Favour on his Succession to the Zemindary. I am well convinced that the Rajah's Inheritance, and perhaps his Life, are no longer safe than while he enjoys the Company's Protection, which is his Due by the Ties of Justice, and the Obligations of public Faith, and which Policy enjoins us to afford him ever most effectually; his Country is a strong Barrier to ours, without subjecting us to any Expence, and we may depend upon him as a sure Ally whenever we may stand in Need of his Services.

Translation of the new Cowlname, or Agreement, given by the Nabob Shujah ul Dowla to Rajah Cheyt Sing. N<sup>o</sup> 4.

The Affairs of the Zemindarry and Takud of the Sircar of Benares, and Sircar Chunarrah, and of the Mehalls of Jecanpoor, Beseypore, Buddohy, Suknesegurrah, Mubookhas, Sircar Gazeypoor, Sickinderpoor, Khareed, Shadeyabad, and Toppeh Serinch, &c. which were under the Charge of Rajah Bulwand Sing, deceased, I do hereby grant and confirm unto you, upon their former Footing. It is necessary, that after deducting the Nankar, and Half of the Jaghire of Buddohy, you Monthly and Annually pay into the Treasury of the Sircar the established and stated Payments. By the Favour of God, whatever is promotive of your Honour shall be performed; and exclusive of the Jumma specified in the Caboolect of the present Fussully Year 1178, no Increase shall ever hereafter be demanded. And if you remain firm and steady in your Obedience, and in the Payment of your Rents, no Harm shall by any Means happen to your Ryots or Country. By the Word of God, and of the Holy Coran, and of the blessed Imaums, this Agreement is made between me and my Heirs, and you and your Heirs, and it shall never be deviated from. Dated the 18th Day of the Moon Jemmady-ul-sami, in the Year 1177 Hegiree, answering to the 6th September 1773, English Stile.

A true Translation.

(Signed) W<sup>m</sup> Redfearn, P<sup>n</sup> T<sup>r</sup>.

Translation of the Pottah given by the Nabob Shujah ul Dowla to Rajah Cheyt Sing. N<sup>o</sup> 6.

The Sircar of Benares and Chumnarrah, and the Mahals of the Sircar of Juanpoor, &c. including Land Rents and Syer Duties, and Havelly Mahomedabad, Benares, Mubooks Khausa, Pergunnah Booder, &c. Talook of Sekinra Mow, in the Dependencies of the Pergunnah Khaunda, Pergunnah Buddohy, Luknesegur, Beseypoor, Sircar Gazeypoor, Pergunnah Sekinderpoor Khareed, Shadeyabad, and Toppeh Serinch, &c., Land Rents and Syer Duties included, after deducting the Dustoor Dewanny, Nankar, Half of the Jaghire of Buddohy, and the other exempted Jaghires, and whatever has formerly been allowed as Deductions; I do now fully grant and make over to you, on the Terms



Terms of your Cabooleet, from the First of Khareef 1178, in consideration of Benares Cum-fund Rupees 22,48,449, Assel and Ezafa, as specified underneath, clear of all Expences of Sehbundy. It is necessary that you pay the above Sum to the Sircar, according to the stated and established Kists, Year by Year; and, by the Favour of God, there shall never be any Deviation from this Agreement.

Particulars; viz.

Paid by Rajah Bulwand Sing as follows:

Benares	—	—	—	—	12,00,607	—	—
Buddohy	—	—	—	—	1,30,000	—	—
Sukneefgur	—	—	—	—	16,000	—	—
Befeypoor	—	—	—	—	2,00,000	—	—
Gazeypoor	—	—	—	—	5,00,000	—	—
Shadeyabad	—	—	—	—	40,000	—	—
					26,86,607	—	—
Deduct Nankar, Half of the Jaghire of Buddohy and							
Altengah, &c.					88,158	—	—
Net Revenue paid by Rajah Bulwand Sing					19,98,449	—	—
Increase settled with Rajah Cheyt Sing					2,50,000	—	—
Net Revenue paid by Rajah Cheyt Sing					22,48,449	—	—

Dated the 27 Rejub, in the Year of Hegire 1184.

A true Translation.

(Signed)

W<sup>m</sup> Redfearn, P<sup>a</sup> T<sup>r</sup>.

From the Governor to Rajah Cheyt Sing. N<sup>o</sup> 7.

At this Time the Vizier of the Empire having given you an Agreement, under his Hand and Seal, which I have countersigned, and also affixed my Seal to, it is necessary, that conformably thereto, and according to the Treaty concluded at Allahabad by Lord Clive and the Vizier, respecting Rajah Bulwant Sing, your deceased Father; you with the greatest Cheerfulness pay to the Vizier, the Rents thereby established, in which Case the Company will always attend to your Welfare, and afford you their Care and Protection; and in the Agreements beforementioned, there shall never be any Breach or Deviation.

A true Translation.

(Signed)

W<sup>m</sup>. Redfearn,  
P<sup>a</sup>. T<sup>r</sup>.

Extract of Bengal Consultations the 13th of February 1775—Secret Department.

At a Council; PRESENT,

The Honourable Warren Hastings, Governor General, President;

Lieutenant General John Clavering,

The Honourable George Monson,

Richard Barwell, } Esquires:  
Philip Francis. }

The Governor General conceives it to be necessary before the Board proceed any further in the Business now before them, that one Principle upon which every other Resolution must depend should be determined, and therefore desires that the following Question be put,

Whether this Board considers the Treaties which were made with the late Nabob Suja Dowla as remaining in Force, or as having expired at his Death?

Mr. Francis—I think that the Obligations contained in the several Treaties with the Vizier, to support him in the Possession of his Territories, were confined to his Person, and consequently expired with him.

Mr. Barwell—This Question must be decisively determined by the express Letter of the reciprocal Engagements of the contracting Parties; I therefore desire the Treaties may be referred to; the Board will then see how far the Obligations extend.

SEL. COM. REP. II.

D

Read

Read, the Treaties of Allahabad and Benares.

Mr. Barwell—I think the Treaties bind to his Heirs.

Colonel Monson—I think the Treaties with the Vizier expire in his Person.

General Clavering—I desire to know whether the Governor in the Word “Treaties,” comprehends the Engagements with the late Vizier respecting the Rohilla War?

The Governor General—I conceive that my Opinion in this Point can be of no Use in deciding the Question before us, because it has already been decided by the Majority of the Board, that the Engagements with respect to the Rohilla War, formed by the late Administration with the late Vizier, had not the Obligation of Treaty, nor, if I rightly recollect the Declaration made on this Subject, were in any Respect obligatory on this Government.

General Clavering—I could have wished to have heard the Governor General’s Opinion upon the Question I took the Liberty to submit to him, on the Obligations of this Government to defend the Rohilla Country, as clearly given as that which Mr. Barwell gave in his Minute of the 31<sup>st</sup> October, because I might have formed some Judgment of the Governor General’s Ideas on the Force and Extent of the Treaties contracted with the late Vizier. I think the Treaty of Allahabad was broken by the subsequent Treaty of Benares, by which Corah and Allahabad were taken from the King, and given to the Vizier, so that whatever Conception I might entertain of the Validity of the original Treaty, I think it now no longer obligatory on this Government till the Court of Directors have given their Approbation of the Treaty of Benares which entirely altered the Nature of the other.

The Governor General—I am of Opinion that the Treaties which were made with the late Nabob Sujah Dowla still continue in Force, and have admitted of no other Change but in that of the Person of his Heir and Successor standing in his Place.—The First Clause of the First Article of the Treaty of Allahabad, in my Construction of it, extends the Obligation of that Treaty to the whole Line of the Nabob Sujah Dowla’s Heirs. The Treaty of Benares being but explanatory of the former in the Article which respects the Part of the Extra-Charges of the Forces employed in his Defence, must be understood in the same Sense with respect to that Article; and the First Article expressly grants the Possession of Corah and Allahabad to the Vizier for ever, a Term excluding all Limitation.

Resolved, That the Treaties made with the late Vizier Sujah Dowla, do not remain in Force, but expired at his Death.

The Governor General proposes the following Question :

Whether a new defensive Treaty shall be executed with the Nabob Asoph-ul-Dowla, in case he himself should solicit it?

Mr. Francis—Supposing the Nabob to require our Assistance in support of his Succession I think that a new defensive Treaty should be formed with him, on the most advantageous Terms which can be obtained for the Company.

Mr. Barwell—Certainly.

Colonel Monson—I think a new defensive Treaty should be executed with the Nabob Asoph-ul-Dowla, on the most advantageous Terms for the Company.

The General agrees with Colonel Monson.

The Governor General—I am of Opinion there should.

Agreed, That a new defensive Treaty be executed with the Nabob Asoph-ul-Dowla, in case he solicits it.

The Governor General proposes, That each Member of the Board deliver in his Sentiments of the Conditions to be required or acceded to for the new Treaty; not having himself sufficiently considered this Subject in the Latitude which has been given to it by the foregoing Resolution, he wishes to prepare what he may have to offer himself, unless any immediate Proposition should be made by any Member of the Board, on which he should be willing to give his Opinion.

Resolved to adjourn to the Evening, that every Member may prepare his Ideas on this Subject.

Met in the Evening at Six o’Clock, according to Adjournment.

Refused the Subject of the new Treaty to be formed with the Nabob of Owde.

Agreeable to the Governor General’s Proposal in the Morning, the Members of the Board deliver in their separate Opinions in Writing, as follows :

Mr. Francis—Supposing it to be the Interest and Desire of the present Nabob of Owde to enter into a new defensive Treaty with the Company, by which we may oblige ourselves to guarantee to him the Possession of any Part of his present Territories, I think that the following Articles should be proposed and insisted on for the Advantage of the Company.

1<sup>st</sup>. The Pay of our Troops in his Service to be made equal to their real Expence, upon a new monthly Estimate, and to commence from the Accession of the present Nabob.

2<sup>d</sup>. The Zemindary of Benares to be made dependant as a Fief on the united Kingdoms of Bengal and Bahar; and the Tribute lately paid by the Rajah to the Vizier, to be paid to this Government.

3<sup>d</sup>. The present Rajah of Benares to be confirmed in the Zemindary, which may be perpetuated in his Family under a fixed annual Tribute, and a fixed Fine at each future Investiture; a free Trade

to be opened between these Provinces and his Country; the Rajah's Authority in his own Government to be left full and uncontrolled.

4th. If the Possession of the Rohilla Country, or any Part of it, be guaranteed by a future Treaty to the Nabob, that some favourable Terms be made for the surviving Chiefs of the Rohillas, or their Representatives.

5th. The Debts from Suja Dowla (supposing them not to be liquidated at the Conclusion of the new Treaty) to be considered and acknowledged by the present Nabob as due from himself, or the Representative of the State of Owde for the Time being.

6th. Besides the Guarantee to be stipulated in Return for the above Conditions, this Government shall undertake to obtain from the King a regular Confirmation of the Nabob in his Government, according to the Laws and Constitution of the Empire.

7th. I conceive that the Attachment of Nudjif Cawn might be secured with the greatest Advantage to this Government, if through our Recommendation the King would appoint him Vizier of the Empire, with a Jaghire, which might easily be found for him either in the Douabe or the Rohilla Country. I understand he is one of the ablest Men and best Soldiers in the Empire: If properly placed in point of local Situation, and his Attachment secured, he might serve as a Barrier to the Soubahdarry of Owde, either against the Marattas, or any other Invaders from the Western or Southern Parts of India.

(Signed)

P. Francis.

The first Object to be attended to in a new Treaty, is the future Strength and Security of our own Possessions. The Company have invariably declared against any further Accession of Territory to themselves; any Conditions of that Tendency are of course out of the Question.

1st. I think the Conditions of the old Treaty (the Article respecting Corah and Allahabad excepted) is a good Foundation for any we may now chuse to form.

2d. As it may be possible to increase the Subsidy for a Brigade employed in Owde, that Increase ought, if possible, to be effected; but its Extent being arbitrary, and depending entirely on the Pleasure of the Board, we should consider in which Way to make our Aid the least burthen some, and most useful to our Ally.

Our Military Establishment is become an intolerable Burthen, and the Directors have expressly recommended that such Reduction take place in it as may be done with Safety to Bengal. To effect a Reduction appears here a secondary Object, the Safety of Bengal the first; to answer both, we should engage our Ally to pay a respectable Body of Troops, such as we may at all Times be able absolutely to command, and use as our own on any emergent Occasion. If this can be effected, a proportionable Retrenchment of our own Forces may immediately take place, and the Burthen be removed from our Shoulders to those of our Ally: This is preferable, in my Opinion, to the hiring out any Part of our own Forces occasionally to defend Owde, &c. and will equally strengthen the Nabob against his Foreign Enemies, while it renders him proportionably weak, and dependant on us.

3d. The Independency of Gauzipore and Owde is a great political Object, and ought to be insisted on; and whatever may be resolved respecting the Revenue paid by the Raja of that Country; the English Government ought not to stand in the same Relation to it as the late Vizier, because the Country of Benares and Gauzipore is a natural Barrier to these Provinces, and the Raja should have the strongest Tie of Interest to support our Government, in case of any future Rupture with the Soubah of Owde.

To make this his Interest, he must not be tributary to the English Government; for, from the Instant he becomes its Tributary, from that Moment we may expect him to side against us, and by taking Advantage of the Troubles and Commotions that may arise, attempt to disburthen himself of his pecuniary Obligations.

(Signed) R. Barwell.

On the Death of a Soubah, the Soubahdarry escheats to the Crown; before Stipulations are made with Asophi ul Dowla, his Right to the Nabobship of Owde should be legally ascertained.

If the King nominates any other Person to the Nabobship of Owde, our Opposition to that Appointment is a Violation of the Laws of that Government under which we ostensibly hold the Dewannee.

I think therefore in the present Instance we should act as Mediator between the King and Asophi ul Dowla. This Measure will be serviceable to the young Nabob, respectful to the King, and obviate many Circumstances that may hereafter appear inconsistent in our Conduct.

Supporting Mirza Ammanee in the Succession, without the King's Firmaund, will be an Act of Rebellion.

The King's Firmaund therefore appears to be indispensably necessary, as a Sanction for our Conduct and Honour.

For this Service done the Nabob, we should require that Cheyt Sing's Zemindarry be annexed to the Soubahship of Bengal or Bahar, or to both.

To engage for the young Nabob strictly to adhere to all Treaties made between the King and Suja Dowla, and to endeavour to prevail on the Nabob to give the whole of the Rohilla Country to the King.

The King Shaw Allum, for these Advantages, and for the Respect shewn him, should make over the Sovereignty of Bengal and Bahar to the King of Great Britain, and relinquish all Claims to his Tribute.

If these Terms are too severe on the Nabob, they may be mitigated by relinquishing the Sums that remain due from him for the Conquest of the Rohilla Country.

If the Nabob Aloph ul Dowla requires the Assistance of a Brigade, he should pay all Charges attending it.

I mean by Charges, the Pay, Batta, and contingent Expenses.

(Signed) G. Monson.

In considering the important Subject which is now before us, I have Two Objects in View; First, the obtaining the greatest possible Advantage to the Company, in consideration of the defensive Aid proposed to be offered to the new Nabob; the Second is the avoiding the greatest probable Inconveniency to the State by virtue of the Engagements we may enter into with him.

As the Basis of all my Reasoning, the following Premises must be granted to me: First, that the Nabob Mirza Ammanee possesses such Disqualifications of Character, that he cannot maintain himself or his Musnud without our Assistance; Secondly, that there is a political Necessity in this Government, not to allow any other Prince to occupy the Soubahship of Oude, and the Countries of Corah and Allahabad, without our Concurrence.

It is well known that there will be as many Competitors for the Countries left by the late Vizier as there are Powers in that Part of Indostan; the King, the Marattas, the Jauts, the Rohillas, Nudjif Cawn, and even some of the Nabob's own Family and Commanders of his Army, will probably all or most of them strive to obtain some Share of his Dominions.

The Question then is, Will it be for the Interest of the Company to permit any of these Princes to establish themselves in the Provinces bordering on Bengal without our Consent?—I am of Opinion there would be great Danger in permitting it. In that Case, what Measure must be pursued to render us the Arbiters of those Countries consistently with those Views which I first stated—the obtaining the greatest possible Advantage to the Company, and avoiding the greatest probable Inconveniency in the Undertaking?

The greatest Advantage, in my Conception, that can be obtained for the Company, is, First, the total Extinction of the King's Claim to the Tribute on these Provinces; Secondly, that the Zemindary of Benares and Gauzipore shall be held by Cheyt Sing of the Company, instead of the Soubah of Oude. To obtain the First it should be proposed to the King, that he should renounce his Tribute on these Provinces, that he should acknowledge the Nabob of Oude to be Soubah of that Country, and should appoint him Vizier.

In Return for this Favour, we should restore to him the Countries of Corah and Allahabad. The Nabob, in Return to the Favour shewn to him and procured by our Mediation, should relinquish to the Company the Sovereignty of Benares and Gauzipore, to be held as at present by Cheyt Sing, on his paying his Tribute to the Company. In order to attach this Raja to the Company, his Tribute ought to be diminished at least Three Lacks of Rupees.

Whatever Assistance shall be afterwards required by either the King or the Nabob, for the Defence of their respective Countries of Corah and Allahabad, and the Province of Oude, not less than Three Lacks per Month should be paid to the Company, as less than that will not defray the Expence of a Brigade serving out of the Provinces.

(Signed) J. Clavering.

On the Grounds already resolved on, I propose the following Articles for the new Treaty, premising, that I consider the Debts due from the late Vizier, as not appertaining to the Subject of the intended Treaty. These we claim as a Right, exempt from any future Negotiation.

1st. That the Treaties of Allahabad and Benares be renewed on the Footing on which they stood at the Vizier's Death.

By this Proposition the Monthly Subsidy for our Army will remain, as settled with the late Vizier, at 2,10,000 Rupees. I am against augmenting it. The Expence ought not to exceed that Sum. If more be agreed on, it will either discourage the Nabob from employing the Brigade, or he will employ it, and most probably suffer it to run in Arrears.

2d. That the perpetual and independant Possession of the Zemindary of Benares and its Dependencies, be confirmed and guaranteed to Rajah Cheyt Sing and his Heirs for ever, subject only to the Annual Payment of the Revenues hitherto paid to the late Vizier, amounting to Benares S<sup>t</sup> Rupees 23,71,656. 12. to be disposed of as expressed in the following Article; that no other Demand be made upon him, either by the Nabob

*The Rajah of Benares, from the Situation of his Country, which is a Frontier both to the Provinces of Oude and Bahar, may be made a serviceable Ally to the Company, whenever their Affairs shall require it. He has always been considered in this Light both by the Company and the successive Members of the late Council; but to ensure his Attachment to the Company, his Interest must be connected with it, which cannot be better effected than by*  
freeing

bob of Oude or this Government, nor any Kind of Authority or Jurisdiction exercised by either within the Dominions assigned him.

*freeing him totally from the Remains of his present Vassallage under the Guarantee and Protection of the Company, and at the same Time guarding him against any Apprehensions from this Government, by thus pledging its Faith, that no Encroachments shall ever be made on his Rights by the Company.*

3d. That an equal Partition be made of the Revenue of the Zemindary of Benares, between the Company and the Nabob of Oude; that is to say, that the Rajah shall pay monthly to each, the Sum of 98,823. 2. 9. amounting on the Whole to Rupees 23,71,656. 12.; and that this Participation be expressly declared to be intended as a Pledge and Acknowledgement of the equal Relation in which the Rajah and his Successors are hereafter to stand to both Governments.

I propose this Article with some Reluctance, as contrary to my Idea of the Right of the Nabob of Oude, in virtue of the Treaty originally formed between his Father and the Company; but it is conformable to the Principle adopted by the Board in the Resolution passed this Morning, and may perhaps be obtained without much Opposition from the Nabob; at the same Time that it contributes to fix the Independence of the Zemindary of Benares, on the most permanent Foundation.

(Signed) Warren Hastings.

Agreed, That these several Opinions lie for further Consideration.

Extract of a Letter from the Governor General and Council in Bengal, in their Secret Department, to the Court of Directors of the East India Company, dated the 24th February 1775.

Par. 2. We then informed you of the declining State of the Vizier's Health, according to the Intelligence we received from Mr. Middleton; and that in his Opinion he could not survive long. On the 6th Instant, by Letters from Colonel Galliez, we were informed he was actually dead. The Colonel had previously apprized us of the imminent Danger in which the Vizier lay; and we had dispatched Instructions to him, to support the Pretensions of Mirza Amanny, the Nabob's eldest and only legitimate Son, in the Succession, in case of his Father's Death, and immediately to move the Brigade down to Fyzabad, to prevent any Disturbance in the City on the Occasion. We at the same Time ordered the Third Brigade to march up from Barrampore to Dinapore, that it might be nearer to the Frontier in case any Service should be required.

Par. 4. Just before the Vizier's Death, he wrote a Letter to the Governor General, which was afterwards transmitted to its Address by Mahomed Elich Khan, his Minister and favourite Servant, accompanied by one from himself.—By these Letters it appears that Mirza Amanny, otherwise called Afoph ul Dowlah, had his Father's positive Nomination to the Succession; and though by all Accounts he possesses neither the Qualities of the Heart nor Head equal to the Station to which he is thus called, we have not as yet any Reason to think that his Right will be disputed.

5. In Conformity to those Assurances which we gave in our last Letter to your Honourable Court, we have had in Deliberation the Line which on this important Event it may be most proper for us to pursue, for drawing from it the greatest possible Benefit to the Company's Affairs. We have already determined, that the specific Conditions of our former Alliances with the Vizier expired with him; and that although we owe Friendship to the present Nabob, as Heir to his Father, we are not bound to any special Services to him. In this essential Point it is necessary to mention, that the Sentiments of the Board were not unanimous, as will appear upon the Proceedings. Our present Engagement goes no farther than to a simple Acknowledgment of his Title; and therefore, should he apply to us for Assistance and effective Support, we mean to afford it only on such Terms and Stipulations as to us shall appear most advantageous to the Company, and honourable to the British Name. As this is a Subject of great Magnitude and Importance, we have chosen to enter upon it in Council with all the Deliberation which it requires. The Ideas of the different Members will appear in the Consultation referred to in the Margin; they are not given in as conclusive Opinions, but as Sentiments subject to be canvassed, modified, and corrected, and tending only to throw Lights on the Subject before the final Determination of the Board; when that Determination takes place, you shall be duly advised.

Par. 6. Mr. Bristow, who has set out for his Residency at the Court of the new Nabob, will be furnished with ample Instructions on these Heads.

## Extract of Bengal Secret Consultations, 8th March 1775.

At a Council; PRESENT,

The Honourable Warren Hastings, Esquire, Governor General, President,  
 Lieutenant General John Clavering,  
 The Honourable George Monson,  
 Richard Barwell, } Esquires.  
 Philip Francis, }

Mr. Francis having sent in the following Minute the Day after the Date of the above Council, it was circulated for the Perusal of each Member of the Board, and is now recorded.

Fort William, 4th March 1775.

I believe it was understood by the Board, that in my Answers to the several Questions proposed last Night by the Governor General, relative to a new defensive Treaty with the Soubah of Oude, I meant that all the Conditions which I thought this Government might assent to in Favour of the Soubah, or insist upon in Behalf of the Company, had an united and inseparable Relation to each other. As however my Answers to each Proposition may appear to be given absolutely, and independent of that mutual Relation by which I meant to unite them, I now beg Leave to explain my Intention, with respect to all the Governor's Propositions considered in one View.

1. I make the Cession or Transfer of the Revenue or Tribute (paid by the Rajah of Benares) from the Nabob of Oude to this Government for ever, a preliminary and fundamental Condition, without which I do not mean to consent to any Treaty of Guarantee whatsoever in Favour of the Nabob, unless an Alternative shall be proposed which may appear equally advantageous to this Government. If, for Example, the Nabob would rather relinquish his Claim to Corah and Illiabab than his present Right over the Zemindary of Benares, I shall be very willing to come to an Accommodation with him on that Point. The Recovery of those Countries might enable us to adjust all Disputes or Differences with the King, upon a Footing equally honourable and advantageous to the Company.

2. Supposing this first fundamental Article to be settled, I then consent to the Guarantee of Oude and Benares to the Nabob for his Life, without any Reservation; or, if he prefers Corah and Illiabab to Benares, I then include those Countries in the Guarantee, provided the Treaty of Benares shall be approved of, and confirmed by the Honourable Court of Directors.

3. With this Guarantee, on which ever of the Two Principles it may be settled, I mean to unite the Article of the Subsidy to be paid for the Service of such Part of our Troops as may be employed at the Nabob's Requisition in defending the Dominions guaranteed to him, provided the first great Point be adjusted to our Satisfaction. I would not ultimately insist on raising the Subsidy beyond its present Establishment. The first Demand however should be made for the entire Expence, we may afterwards gradually relax from it if we think proper.

4. In agreeing to the proposed Independence of the Rajah of Benares, my Meaning was to adhere strictly to the Third Paragraph of my Minute of the 13th of February, the Zemindary may be perpetuated in his Family on fixed and unalterable Conditions. The Conditions I proposed, tend to secure us a great Accession of Revenue without any Accession of Territory. It is highly for his own Advantage to be considered as a Vassal of the Sovereign of these Kingdoms, holding a great hereditary Fief by a fixed Tenure, and acknowledging the Sovereign of Bengal and Bahar to be his Lord Paramount. Speaking my Sentiments without Reserve, I must declare, that in settling this Article, I look forward to the Assertion or Acceptance of the Sovereignty of these Provinces, *plena jure*, on the Part of His Most Gracious Majesty the King of Great Britain.

(Signed)

P. Francis.

## Extract of Bengal Secret Consultations, 8th March 1775.

Extract of the Governor General and Council's Instructions to the Resident at Oude.

These Matters being thus settled, you will then be at Liberty to listen to any Overtures for a new Treaty which the Nabob may choose to make; and in this Case you will take Care to intimate to him, that although the Company regard him as an Ally, and have not scrupled to acknowledge his Right to his Father's Succession, yet that the specific Conditions of the several Treaties made between the Company and his Father being merely temporary and personal, they of course expired with him. That therefore if he (the new Nabob) thinks it necessary also to require any specific Assistance or Service from this Government, it will be proper that a new Treaty, with new Stipulations, be entered into between us.

Possibly one of the First Articles he will propose, will be the Guarantee on our Parts of all his  
 9 Father's



Father's Dominions to him; and as our Ideas on this Article may not correspond with his Expectations, it will require particular Delicacy in opening them to him. We therefore recommend this particularly to your Attention; and shall explain them fully to you as a Guide for your immediate Conduct; not meaning to bind ourselves absolutely to adhere to them, should we find it expedient to recede afterwards in any Degree.

First, you must acquaint him that the Rohilla Country lately conquered by his Father, being now completely in his Possession, and the Company having faithfully fulfilled all their Engagements respecting it, we look upon it as unnecessary for us to interfere longer in its immediate Defence, especially as his own Power is sufficient for that Purpose, and that it would be carrying our Troops to too great a Distance from our own Frontiers to take upon us a constant Guarantee of its Possession to him; therefore this Article we must decline.

As to the Conquests in the Duab, they having been undertaken without our Consent or Participation, and no Assistance either required or expected from us at the Time, and even an express Declaration from the then Administration to the Vizier, that they would not assist him; we never looked upon ourselves as any way concerned in them, and cannot now enter into any Engagement for maintaining them.

With respect to the Provinces of Oude, Corah, and Allahabad, we shall make no scruple to guarantee to him the Possession of the First and of the Two last, till such Time as the Determination of the Court of Directors on the Treaty of Benares be known. It is probable that the Advice of this Determination will arrive before any Treaty can be finally adjusted with the Nabob, in which Case we shall be able to give you more precise Instructions on this Article. In the mean Time the above is the Line you are to take in conversing with the Nabob upon it.

But as in the Case of a defensive Treaty between the Company and the Nabob, and that they should take upon them the Guarantee of any Part of his Dominions, it is fit they should reap an Advantage from it equivalent to the Service which they are to render him, and to the Hazard which they take upon themselves; you will therefore give the Nabob to understand, that such Equivalent is to be expected of him; and you will throw out in your first Conversation with him on the Subject, that you have Reason to believe if he were to relinquish and make over to them for ever the Tribute which he receives from the Rajah Cheyt Sing, together with the Sovereignty of the Province possessed by that Rajah, it would be accepted as a full Compensation for the Protection they would agree to afford him, that thus yielding up to his best Friends a Tribute which bears a small Proportion to his other Revenues, it would better enable them to afford a solid and effectual Protection for the rest, and at the same Time encroach little on his real Dominion as a Sovereign Prince, since it would only be his relinquishing the nominal Authority over a Province where he hardly at present exercises any.

Such are the general Points on which we are willing to enter into a defensive Treaty with the new Nabob of Oude, and which must be the Groundwork of any Negotiations for that Purpose with him. It will be your Business, whenever these commence, supposing always that the Proposition first comes from him, to explain our Ideas to him in the most clear and precise Manner, that no Misunderstanding may afterwards arise; and you will endeavour to convince him of their Justice and Propriety. You must further acquaint him, that in any Treaty with him, where the specific Aid of any Body of our Troops may be stipulated, we expect that the Monthly Subsidy shall be ascertained at a Sum equal to the real and whole Expence; that we experienced in the last Campaign that the Subsidy paid by his Father was considerably less than the real Charge of the Brigade, which served to involve us in Difficulty and Distress; and in a similar Case with regard to him, it might prevent us from affording him that hearty and effective Aid which it is our Intention to bestow.

Provided the Surrender of his Claims on the Revenues and Sovereignty of Gauzipore be adjusted to our Satisfaction, we think proper to inform you, in the strictest Reliance and Confidence in your Discretion, that in that Case we do not mean to insist ultimately on raising the Subsidy beyond its present Establishment. And this Hope you are at Liberty to hold out to the Nabob as from yourself only, and without Authority from us. Your first Demand on the Head of the Subsidy, should be made for the entire Expence; we may afterwards gradually relax from it if we think proper. We need not tell you however, that you will render a most acceptable and useful Service to the Company, in obtaining the whole Demand according to the Terms in which you are ordered to make it in the first Instance.

If when the Nabob shall be thoroughly possessed of our Ideas and Expectations with respect to the Terms of the proposed Treaty, he should give a direct and positive Refusal to treat on such Terms, you are then to suspend all further Negotiations with him, and report to us the precise Terms of his Refusal; informing him at the same Time, that it is our Determination to withdraw our Troops immediately out of his Country, and that he must expect such Orders from us in Reply to your Report. We expect that you will obtain a precise Satisfaction from him on this Point, as soon as it is possible, and that you do not suffer yourself to be amused by a Negotiation of which the Nabob may avail himself during his present urgent Necessity; and when he has confirmed himself in his Government, under the Countenance and Protection of our Troops, may afterwards break off the Treaty.

Extract of Bengal Secret Consultations, 6th April 1776

At a Council; P R E S E N T,

The Honourable Warren Hastings, Governor General, President,  
Lieutenant General John Clavering,  
The Honourable Geo. Monson,  
Rich<sup>d</sup> Barwell, } Esquires.  
Philip Francis, }

Read the following Letter from Mr. Bristow, the Resident at the Court of the Nabob Asoph ul Dowla.

To the Honourable Warren Hastings, Esquire, Governor General, and the Members of the Honourable Supreme Council at Fort William.

Honourable Sir, and Sirs,

I am this Evening honoured by the Receipt of your Letter of the 8th Instant, containing full and explicit Instructions relative to the Treaty. All I have hitherto said to the Nabob about it was, that the English were firmly united to him in Friendship, and had therefore authorized me to negotiate this Matter.

On his Excellency's repeatedly asking me regarding the Terms of the new Treaty, I always answered, that I could not, according to my present Instructions, finally conclude any thing, but when he was at Leisure to give in his Preliminaries, I would forward them for the Approbation of the Honourable Board. He appeared anxious to confirm the Treaty of Benares, without taking any Notice of those made either at Allahabad, or by the Deputation in the Year 1768.

This is the Situation in which the Negotiation now stands; and as I have purposely avoided to descend to Particulars with his Excellency, the Channel is left open for the Propositions the Honourable Board are pleased to instruct me to make.

Extract of Bengal Secret Consultations, 27th April 1775.

Extract of a Letter from the Resident at Oude to the Governor General and Council, dated the 14th April 1775.

My last was on the 11th Instant, since when I am favoured with your Letter of the 30th ultimo. I in consequence waited upon his Excellency, and intimated your Commands to him. He at first expressed great Discontent at the Honourable Board's protecting Rajah Cheyt Sing; called him his Zemindar, of whom he had a Right to require his Rents in Advance; and told me that he did not think I was authorized to make any Representation to him on this Head, or that of the Release of the Rohilla Families, for "the Governor General would have wrote to him, as well as to me, on these Matters." I hereupon quoted the Words of my Credentials, and requested his Excellency to consider my Trust was general, and that it was intended he should pay Attention to any Representations I should make in the Name of the Honourable Board, and this Mode of Negotiation had been adopted to save Trouble on both Sides.

I likewise quoted the Treaty subsisting between the late Vizier and Rajah Cheyt Sing, and their Heirs respectively, of which the Company were the Guarantees so long as the Rajah paid his Kists when they became due; and his Excellency on his Part could not demand either an Increase of Rent or Sums in Advance.

After a long Conversation, his Excellency confessed he had on my first mentioning the Matter not recollected the Circumstances I had explained to him; that his Reason for granting the last Tuncaw, was the Rajah's having once before paid one in Favour of the Company for Five Lacks of Rupees, and thought he would do it again; besides this, he had at the Time no other Means of discharging ever so small a Part of the Money due from him to the Company. I upon this told his Excellency, what he also pretended not to remember, that the Rajah had been induced to pay the First Tuncaw of Five Lacks with great Difficulty, and did it solely to avoid Altercation; that he would not now by a Repetition establish a Precedent so disadvantageous to himself, and contrary to the Letter of the Treaty.

At my Interview this Day there were many People present: I therefore thought it necessary, after the Conversation which had passed, both to support the Honour of the Government and the Credit of my own Station, to tell his Excellency, that the Honourable Board would never suffer the Rights of their Dependents to be infringed; Rajah Cheyt Sing was to be considered in this Light, and he must expect to see him protected, for that he was not to be put upon a Footing with his other Zemindars.

Extract of Bengal Secret Consultations, the 6th June 1775.

Translation of the proposed Articles of the Treaty with the Nabob Asuf ul Dowlah.

The Nabob Asuf ul Dowlah, Jeayaa Cawn Behadre, Hozebus Jung, on the one Part; and the Honourable Warren Hastings, Esquire, Governor General, and the Members of the Supreme Council of Fort William, for and in the Name of the English East India Company, on the other Part, agreeable to the following Articles.

First. That universal Peace, firm Friendship, and perfect Union, shall for ever be established between the Nabob Asuf ul Dowlah and the English East India Company; the contracting Powers, with a View of maintaining a reciprocal Friendship in the future, shall not for any Cause, or under any Pretence, encourage the Rejats and the Inhabitants of their Soubahs in committing Hostilities and Disturbances, and every Thing shall be avoided by the said Powers which might occasion them; their Friends and Enemies are mutual; and any Person who shall run away and take Refuge in the Country of one of the said Parties, shall be given up to the other, and no Assistance afforded him.

Second. The aforesaid Nabob engages never to entertain or receive in his Dominions Cossim Ally Cawn, the former Soubahdar of Bengal, and Sumroo, the Murderer of the English; even in Case of his getting them into his Hands, he will out of Friendship make them Prisoners, and deliver them up to the English Company. He also engages not, for any Cause or under any Pretence, to entertain Europeans of any Nation in his Service, without the Consent of the English Company: That he will prevent, oppose, and send back such as offer to come in, to pass through, or remain, or shall now be in his Dominions without the Perwannah of the English Company. The Europeans of every Nation in the Service of the said Nabob are hereby dismissed; and now and in the future he engages never to entertain the said Europeans; and to deliver up to the English Company such of their Servants who have deserted or may desert, in case of his apprehending them.

Third. If the King should write any Thing relative to the Affairs of the Nabob Asuf ul Dowlah to the English Serdars, they will attend to the Satisfaction, Advantage, and Inclination of the said Nabob, and not consent to what the King may say or write. In like Manner, if the King should write to the Nabob Asuf ul Dowlah, relative to the Affairs of the English Serdars, he will attend to their Satisfaction, Advantage, and Inclination, and not consent to what he may say or write.

Fourth. The Countries of Corah and Allahabad shall always and for ever remain in the Possession of the Nabob Asuf ul Dowlah, on the same Footing as the Soubah of Oude; and they shall on no Account in the future be disturbed by the English; nor will they ever request a Dam or Derrum, or any Thing from the said Countries. The English Serdars engage to defend the Soubah of Oude at all Times, and Corah and Allahabad until the Pleasure of the Court of Directors shall be known.

Fifth. The said Nabob, for the Defence of his Country as above specified, declares, that he has given up of his own free Will and Accord, unto the English Company, all the Districts dependant on Rajah Cheyt Sing, together with the Land and Water Duties, and the Sovereignty of the said Districts in Perpetuity—That the English Company shall, after One Month and a Half from the Date of this Treaty, take upon them the Sovereignty and Possession of the Districts under Rajah Cheyt Sing, as hereunder specified; viz.

Sircar Benares,	The Districts of Junapore,
Sircar Chumar,	Bighpore Bahdore,
Sukteffgun,	Mullbooz Kaws.
The Sircar Gauzypore,	

The Purgunnahs of Seckunderpore, Jeride, Shaay, Abad, Toppa, Surchehur, &c. as formerly, The Mint and Cutwally of Benares.

Sixth. The Nabob Asuf ul Dowlah, for the Aid and Assistance of the English Troops when stationed with him, shall pay Monthly, from the Date of this Treaty, for the Charges of a Brigade, the Sum of Two Lacks Sixty thousand Oude Sicca Rupees, of the 16th Year, agreeable to the present Currency.—If in future this Currency should be abolished, the Decrease or Increase of Batta shall be mutually given and received by the Parties. The Particulars of a Brigade are; viz.

Two Battalions, or One Regiment of Europeans,  
One Company of Artillery, and  
Six Battalions of Sepoys.

The aforesaid Nabob shall, whenever the English Troops pass the Boundaries of the Company's Provinces at his Request, pay the stipulated Sum Monthly from that Time until their Return to the aforesaid Boundaries.

Seventh. If the aforesaid Nabob shall ever require the Aid and Assistance of the English Company, for the Defence of any other of his Countries besides those above specified, he will fix something for the Company proportioned to the Service.

The English Company and all the English Serdars, engage to perform whatever Articles are now mutually settled ; and in the future, during the Life of the Nabob Asuf ul Dowlah, they will never vary or depart from them.—They will not, in any Respect or Manner, make Requests of any thing new, contrary to the Tenor of this Treaty.

The Parties mutually swear according to their respective Faiths, to abide by these Engagements. Dated the 20th of Rubby-ut-Euril, 1189 of the Hegira, or the 21st of May 1775.

A true Translation.

(Signed) John Bristow,  
Ref<sup>t</sup> at the Court of the Nabob of Owde.

Compared with an attested Copy sent down by Mr. Bristow, and found to be an exact Translation, except that the Word Bahdoer, in the List of Districts, was omitted, which I have inserted.

J. H. D'Oyley,  
Act<sup>s</sup> Sec<sup>y</sup> Tr.

Extract of Bengal Secret Consultations, 6th June 1775.

Extract of Letter from Mr. Bristow to the Governor General, dated Camp opposite to Konnajeer, 22d May 1775.

I humbly submit my Conduct to the Honourable Board, in agreeing to the Sum of Fifty thousand Rupees a Month for the Increase of Subsidy, as Murtehret Cawn repeatedly observed to me. Benares, &c. now ceded to the Company instead of 22 Lacks, might be estimated at Fifty per Annum, it being rented, the Difference between these Two Sums, under its real Value. To transfer such a Revenue to the English, and at the same Time consent to an Increase of Subsidy for defending Oude only, for in fact the Stipulation, in regard to Corah and Illahabad, could hardly be considered binding, when Letters from the Court of Directors might arrive the very Day after the signing of the Treaty, and leave the Company at Liberty to require new Terms for this Service. He for a long Time, in the Name of the Nabob, therefore positively rejected this Article ; but after much Persuasion, I convinced him of the Propriety of it ; and as the Honourable Board did not fix a Sum, and the Juncture was favourable for concluding every Point, I thought it prudent to accept what was offered.

Together with the Treaty I received Purwannahs from the Nabob to Rajah Cheyt Sing, the Cutwah, and the Dorogo of the Mint at Benares, directing them to deliver over the separate Trusts to the Company at the stipulated Time. I have enclosed the original Perwannahs by this Night's Dawk to Mr. Motte, desiring him and the other Parties to acknowledge the Receipt of them.

Extract of Bengal Secret Consultations, 6th June 1775.

Translation of an Agreement under the Seal of his Excellency the Nabob Asoph ul Dowlah.

In case of any Persons having any Demand, or having received Tunkaws on Rajah Cheyt Sing, or on the Districts under him, agreeable to my Orders, such Demands or Tunkaws do not depend on the said Rajah, or on the said Districts, but are due from myself.

The Possession and Sovereignty in Perpetuity of the said Districts under the said Rajah, without Incumbrances, Delay, Dues, Debts, Tuncaws, &c. I wholly give up to the English Company, at the Expiration of One Month and a Half.

Dated the 20th of Rubby ut Ewut, 1189 of the Hegira, or the 21st of May 1775.

A true Translation.

(Signed) John Bristow,  
Res<sup>t</sup> at the Court of N<sup>b</sup> of Owde.

Compared with an attested Copy sent down by Mr. Bristow, and found to be an exact Translation.

(Signed) J. H. D'Oyley,  
P<sup>a</sup> Tr.

Extract of Secret Letter from Bengal, dated 3d August 1775.

Par. 2. It is now with the greatest Satisfaction we can inform you that the Nabob Asoph ul Dowlah has consented fully and totally to the Terms we proposed for a new Treaty with him, as advised you  
in

In our Letter of the 24th March last. The Treaty was finally adjusted between the Nabob and the Resident at his Court, on the 21st May last, and the Ratification executed by us immediately after the Receipt of the Treaty.

3. In the Consultation referred to in the Margin, is inserted an exact Copy of the Treaty as signed by us. The Articles differ in nothing essential from those agreed upon to be offered to the Nabob when we first determined to renew our Alliance with him. The Cession of Benares, and the other Territories of the Rajah Cheyt Sing, to the Company, we flatter ourselves will prove perfectly agreeable to your Ideas, as it conveys a valuable Acquisition to the Company, without incumbering them with any new Engagements, or loading them with additional Expence; nor indeed is it liable to the Objection of involving them in the Trouble of new Collections and new Establishments, with all the Disorders which attend them. The Revenue which accrues from this Acquisition amounts to Rupees 23,72,656. 12. 0, and will be paid by the Rajah in monthly Payments as a neat Tribute, without rendering any Account of his Collections, or being allowed to enter any Claim for Deductions. You will observe that the Cession of the whole Zemindary of Cheyt Sing, with all the Powers and Rights annexed to it, is made immediately to the Honourable East India Company, without any Participation with the Soubah of these Provinces, or any formal Union of Title or Possession between this and the Company's former territorial Acquisitions. In the Treaties entered into with the late Vizier Sujah Dowlah, in the Years 1765 and 1770, the Company's Representatives acted as Plenipotentiaries from the Nabob Nudjum-ul-Dowlah, and his Successor Syef-ul-Dowlah.—We hope that our securing to the Company the exclusive Right to the rich Zemindary of Benares, independent of the Sovereignty of Bengal, will be deemed a Service of Importance to their Interests, and favoured with their Approbation. It is not yet finally settled with the Rajah whether the Tribute shall be paid at Patna or Calcutta. We wait his Answer to our Proposal on this Head, as well as to some others, regarding the Cutwally and Mint at Benares, and to our Recommendation of his keeping up a Body of Cavalry, to be ready for our Assistance when called upon: When these Matters are adjusted, we shall duly advise you; in the mean while the Governor General's Proposals respecting them, and our Deliberations upon them, will be seen in the Consultations.

6 June

Extract of Secret Letter from Bengal, dated 11th September 1775.

Par. 10. In our Letter of the 3d August, of which you will receive a Duplicate by this Ship, you are advised of the Acquisition of the Territories of Rajah Cheyt Sing to the Company, and of the Steps which we had then taken towards settling with him for that Zemindary. On the 16th of that Month we again took this Subject into Consideration, and called the Vackeel before us, who had received an Answer from his Master to our first Offer; but not being able to ascertain from him the Fineness and Quantity of the Silver of the Goushary Rupees, in which Coin the Tribute from the Rajah is to be paid, nor the exact Amount which the late Farmers of the Mint and Cutwally at Benares, and the Cutwally at Juanpore, had paid annually to the Nabob and his Officers, for the Grant of those Articles; we judged it necessary to appoint a Person to proceed to Benares, to make sundry local Investigations into these and other Points, to enable us to come to a final Adjustment with the Rajah; and we accordingly appointed Mr. Francis Fowke. In the mean Time we agreed that the Rajah should continue to pay at Benares the exact Sum, and in the same Species of Rupees as he had paid to the late and present Nabobs of Oude; that is to say, 23,72,656. 12. Gourshay Rupees, exclusive of the Mint, Cutwally, and other Articles, which the Nabob held in his own Right.

Extract of Minute of General Clavering, Colonel Monson, and Mr. Francis, in Secret Consultations, 7th December 1775.

The permanent Advantages secured to the Company by our Treaty with the present Subahdar of Oude, are equally conspicuous and important; they have extorted an Acknowledgment from the Governor General, with which he has not been accustomed to honour any Measures but his own. In Return for an Acquisition of Twenty-two Lacks a Year for ever, with an Increase of Fifty thousand Rupees to the Monthly Subsidy of the Brigade, besides many other Advantages and honourable Stipulations, hardly any thing is granted on our Part but a personal Guarantee of the same Countries to the Son which we were before bound to guarantee to the Father. The Frontier Country of Ghazipore must at any rate have been defended by our Arms in case of an Invasion, whether the Revenues of it had been ceded to the Company or not. These Revenues are in Effect a clear Gain to the Company, and a seasonable Relief to the declining Circulation of Bengal. The Measure is strictly and exclusively ours: The original Plan was opposed in every Step by the Governor General and Mr. Barwell. It gives us the highest Satisfaction to observe, that by the Terms of the Treaty, the Guarantee of the Nabob's Dominions, and the Service of the Company's Troops, were exactly confined within the same Limits which the Court of Directors in their last Letter have thought fit to prescribe to us in our Engagements with the Vizier.



Secret Consultation, 29th February 1776.

Extract from the Governor General's Observations on the Minute of General Clavering, Colonel Monson, and Mr. Francis, dated the 21st November 1775.

Par. 9. The new Treaty with Asoph O'Dowla is certainly advantageous to the Company, if the Conditions of it can be fulfilled; but of this I ever did, and do still, entertain a Doubt, notwithstanding the Acknowledgments which it is said to have extorted from me, but which I do not remember to have expressed, and now disclaim; for I cannot deem it honourable to have extorted from the Nabob, Concessions inconsistent with our former Treaties, to which the Necessity of his Situation alone obliged him, however unwillingly, to submit.

Extract of Secret Letter from Bengal, dated 15th January 1776.

Par. 14. The Amount of the yearly Tribute of Rajah Cheyt Sing, fixed by his Treaty with the late Nabob of Owde, was Benares Rupees 22,48,449, besides which we find that he paid a further annual Tax, under the Head of Nuzzerana Rupees, Rupees 90,000, which, consistently with our Resolution to exact the same from him as he paid to the late Vizier, we think the Company had an undoubted Right to, and therefore we resolved to fix the Sum, adding the Value of a few Articles, which we had left the Settlement of to Mr. Fowke, at Benares Rupees 23,40,209, or Sicca Rupees 22,66,180 <sup>11 21</sup>/<sub>100</sub> Decimals. We have authorized Mr. Fowke to treat with the Rajah for the Payment of this Sum by monthly Instalments at Calcutta; and we have Reason to hope, from the Concessions we have made to him in the Articles of the Mint and Cutwally, that he will take upon himself this Remittance on moderate Terms. Mr. Fowke has received from him 7,09,000 Rupees to the 20th ultimo, and we have directed him to remit this Amount through the Hands of the Rajah, or by Bills obtained from the Merchants at Benares.

15. It appearing that the Coinage struck for many Years past in the Mint at Benares, has been debased in Proportion to the annual Rent paid by the Person who farmed it to Government, we thought it advisable to fix a proper Weight and Standard to be invariably observed by the Rajah in all Money which might be coined, on Pain of forfeiting the Mint, and being liable to any Penalty the Board might think fit to impose on the first Instance of any Deviation; and to obviate any Objections on his Part, we relinquished the Sum which had been usually paid for that Farm.

16. Conceiving also that no Profits could be justly yielded by the Cutwallies, above the Expence of their Establishments, we were unwilling to encourage Oppression, or to furnish a Pretence for the Rajah or his Ministers to introduce or give Sanction to any venal Perquisites in his Courts; we also remitted the Sum commonly paid to the Nabob for a Grant of them.

Extract of Secret Letter from Bengal, dated 20th March 1776.

Par. 37. Rajah Cheyt Sing has now agreed to pay the Amount of his Tribute, being Sicca Rupees 22,66,180, into the Treasury at Calcutta, by equal monthly Kists or Instalments, and is to receive 2 per Cent. Premium on the Amount for the Charge of Remittance; we have allowed 51 Days Grace for every monthly Payment to be made after the Period on which it actually becomes due, in order to enable him to procure Bills, or to remit Assets to answer the Payment within that Term: And to secure his being exact in the punctual Discharge of his monthly Kists, we have agreed to impose a Penalty in case of Failure of  $\frac{1}{4}$  per Cent. per Diem on the Amount of all deficient Payments, after the Expiration of the Term of 51 Days. A Sunnud for his Zemindary shall be furnished him on these, and the Conditions before agreed on.

Extract of the Proceedings of the Governor and Council General, in their Secret Department, at Fort William, 15th April 1776.

The Secretary having prepared the Sunnud and Potta for Rajah Cheyt Sing's Zemindary, now begs Leave to lay them before the Board, with Copy of an Obligation to be executed by him for the Remittance of his Tribute. The Board having signed the former,

Ordered, That they be transmitted to him, and Translations of all of them entered in this Place.

Translation of the Sunnud granted to Rajah Cheyt Sing, for the Zemindary of Gawzipore, Benares, &c.

Be it known to the Mutfidies in Office, present and to come, Canongoes, Muckudums, Ryotts, Cultivators, to all the Inhabitants and People resident and belonging to Sircar Benares, Gauzipore, and Chunara, in the Soubah of Allahabad; That whereas by virtue of a Treaty with the Nabob  
Alaph



Asoph ul Dowlah, concluded on the 20th of Rubby ul Awul, 1189 Hyjerie, or 21st May 1775, the Government and Sovereignty of the Sircars abovementioned has been ceded to the Honourable East India Company from the 4th of Jummary ul Awal, 1189 Hyjerie, or 4th July 1775, the said East India Company therefore, pursuant to the Rights thereby obtained, do confirm unto Rajah Cheyt Sing the Zemindary, Aumeeny, and Toyjedarry of the said Circars agreeably to the Zemmun, together with the Cutwallies of Juanpore and Benares, and the Mint of Benares, from the said Date. Whatever Gold and Silver shall be coined in the Mint, the said Rajah shall coin conformably to his Mackulka. He is not to be in the smallest Particular remiss in the Observation and Execution of the several Duties incumbent on him; he is to behave with Moderation and Kindness to the Ryotts and People, to promote the Cultivation and Increase of Inhabitants, and Produce of the Lands, expelling Thieves, nightly Assaulters and Robbers, and so effectually punishing the Disturbers of the Peace, that no Trace of them may be seen; and he is to pay a Tribute of 23,40,249 Benares Muchlidar Rupees, or 22,66,180 Calcutta Siccas, Annually to the Company's Treasuries. Should he receive Orders to pay the above Revenue at Benares, he shall in that Case pay the Sum of 23,40,249 Benares Muchlidar Rupees, each Rupee to weigh 10 Maffa, and to contain Two Ruttee and 2 Chowls of Alloy, and no more; should the Weight be less or the Alloy more, he shall make up the Deficiency. Whenever the Money shall not be wanted at Benares, he is to remit the Annual Amount of 22,66,180 Sicca Rupees punctually, agreeably to his Kists and Muckulka, by monthly Payments at Calcutta. In Consideration of which, he shall be allowed a Deduction of 2 per Cent. amounting in all to S<sup>r</sup> R<sup>r</sup> 44,434. 14. 5. Account Hindowunny, which being deducted, the net Amount is 22,21,745. 1. 7. S<sup>r</sup> R<sup>r</sup> of Calcutta, which he is to pay at that Place. After the Settlement of Account at the End of the Year, he shall in the customary Manner receive Credit for his Payments; and he is by no Means to collect the prohibited Abwank of the Durgah of His Majesty. This Sunnud being granted, is to remain in Force, and all former Sunnuds to become null and void. You the Mutisiddies and Persons abovementioned are to regard the said Rajah as the truly and lawfully Possessor of Zemindary, Aumeny and Foujedarry of the above Circars, and to acknowledge his Authority in the several Acts appertaining thereto. Know that we have here issued the most strict and positive Commands, and obey them accordingly.

Written on the 25th of Suffer 17 Sun, or 15 April 1776.

Signed by the GovernorGeneral and Council.

#### The Zemun.

The Office of the Zemindary of Sircar Benares, Gauzipore, Chundara, the Cutwauly, the Duties of the Mint in the Soubah of Illahabad, have been conferred upon the great Chief Rajah Cheyt Sing Behadre, also the Aumeeny and Fouzdarry.

#### Mohals 19; viz<sup>t</sup>

Sircar Benares, Chundara, Sircar Gauzipore, Mohals of Juanpore, comprehending Maul and Duties, Havily, Mahomed, Abad Benares. The Lans Daums, or for supplying cloathing to the King. Purgunnah Bhadury, the Talook of Sukramrow in Chundar Suktegur, Bidgepore, Sekunderpore Thireed, Shady Abad, Tuppa, Seringa.

The Cutwally and Duties of Benares free.

D<sup>o</sup> of Juanpore D<sup>o</sup>

The Mohal of the Mint of Benares D<sup>o</sup>

The Benares Mukiem, or Brokerage; the Sungierizzenrou, or Stone, weighing of Benares and the other Mahals; the Yauteraunley, or Office of Mutesaub of Benares.

#### Copy of a Potta granted to Cheyt Sing.

This Potta, containing the under written Stipulations, is granted unto Raja Cheyt Sing Behadre.

Sircar Benares, Gauzipore, Chunar, and the Mohals of Sircar of Juanpore, comprehending the Maul and Duties, Havily Mahomed Abad Benares, the Kaufdoms in Purgunnah Bhadury, Talook of Sunkaramow in Purgunnah Chundara, Sucktesgura Bijcepore, Sircar Gazipore, Purgunnah Sekunderpore, Kheirud Shady, Abaud, Putna, Sirgunjea, including the Cutwally Duties of Juanpore and Benares, the Mint of Benares, the Mokeemy-Yatifaub, and Stone, weighing both Maul and Duties, and the Dewanny Duffoor, excepting the Nanear of Half the Jaghier of Bhadury, the exempted Jagheers, and Ayma, which have been inserted for a Length of Time in the Accounts as Deductions. All the Articles of the Tahud are settled upon you, from the 4th January-ul-Awul, 1189 Hyjerie, or the 4th of July 1775 English, at a Stipulation per Annum of 23,40,209 Mahidar Benares Rupees, not short of the Weight of 10 Maffa each, and not containing a greater Portion of Alloy than Two Rutties and Two Berinjie, agreeable to your Muckulka and Cabooleat. This Sum you will therefore pay; but should it not suit the Convenience of the Company to receive it at Benares, you are to pay it in Calcutta, in Sicca Rupees of Calcutta, amounting in which Specie to S<sup>r</sup> R<sup>r</sup> 22,66,180; the Amount of Hindooaun or Exchange allowed you at the Rate of Two per Cent. is R<sup>r</sup> 44,434. 14. 5. which being deducted, the net Sum will be 22,21,745. 1. 15. S<sup>r</sup> R<sup>r</sup> of Calcutta. This you are to

pay without the least Deduction or Depreciation whatever, in the Course of each Year, by Monthly Payments, agreeably to your separate Kistbundee. This you are to pay without any Allowance for Subbundee. You will remit the Money to Calcutta without fail, conformably to the said Kistbundee.

Particulars of the Tribute; viz.

Former Caboolat	—	—	—	20,86,607	—	—
Deduct						
Namar	—	—	R <sup>a</sup>	9,800	—	—
Exempted Lands	—	—	—	8,000	—	—
Maafty Fourth Part and Syra Sicca	—	—	—	2,358	—	—
½ Jaghier of Bhadway	—	—	—	67,500	—	—
Attangau of Mussum aut Narad Baño	—	—	—	500	—	—
					88,158	—
Add					19,98,449	—
Nuzzerana	—	—	—	90,000	—	—
Tuppa	—	—	—	34,207	12	—
Nukeeme, &c.	—	—	—	1,800	—	—
					1,26,007	12
Increase						
Total	—	—	—	2,50,000	—	—
Deduct	—	—	—	34,207	12	—
					2,15,792	4
			Benares Rupees	—	23,40,249	—
			Batta to reduce them into Siccas	—	74,069	—
			Remain Sicca Rupees	—	22,66,180	—
			Deduct Hindooaurin	—	44,434	14 5
			Remains net Amount in Siccas	—	22,21,745	1 15

Written on the 26th of Suffer, 17th Year, or 15th April 1776.

Extract of the Company's General Letter to Bengal, dated 24th December 1776.

Par. 37. It is with singular Satisfaction we observe at any Time the Attention paid by our Servants to the great Interests of their Employers; and it is with particular Pleasure we here signify our entire Approbation of the late Treaty concluded with Asoph ul Dowlah, Successor of Sujah' Dowlah, by which such Terms are procured as seem to promise us solid and permanent Advantages.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Secret Department, the 9th July 1778.

Extract of Governor General's Minute.

Secondly. That Rajah Cheyt Sing be required in Form to contribute his Share of the Burthen of the present War, by consenting to the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence.

Mr. Francis—On the Supposition that the Detachment now employed under Colonel Leslie will not return for a Length of Time into the Provinces, I acquiesce in the Proposal relative to Rajah Cheyt Sing; but I think he should be informed, that this additional Charge will not be imposed on him beyond the Continuance of the present War.

The Governor General—The Qualification proposed by Mr. Francis is consonant to my Intention in the Question, and is implied in it: I should have no Objection to its being expressed in an additional Clause. That our Resolutions upon this Subject may be unanimous, I agree to add to the Question the following Words, "and to be disbanded at the End of the War;" but perceiving that the Difference in our Opinions upon the Subject arises, not from a Disagreement respecting the Requisition simply considered by itself, but from a different Understanding of the Right of the Company to exact, under any Pressure of Affairs, more than the Sum stipulated by the Sunnud granted to Cheyt Sing, and the Caboolat given by him in Return, I must adhere to the Question as it stands, wishing to avoid the Question of Right. If, however, we cannot agree upon this Point, still I would wish to have the Requisition made in the Words of the Question, and leave the Decision of future Right to our Superiors.

Mr. Wheler—Wishing to avoid the Question of Right, I acquiesce in the Motion; but I think it should be qualified in the Manner proposed by Mr. Francis.

Mr.

Mr. Barwell—An Acquisition of Revenue and Military Force I suppose to have been annexed to the Grant of the Zemindary of Benares and Gauzipore to the Company. Any military Establishment, independent of the English Administration, in the Heart of the Company's Dominions, may, in the Time of Danger, be turned against those Interests which, under another Policy, it would protect. I have long regarded the military Establishment of Benares under the Rajah's native Officers, and not subject to the Discipline, Command, and Regulation of our Battalions, as a Defect: I therefore most heartily agree to the present Proposal for Three disciplined Battalions to be kept up and paid by the Rajah, and sincerely hope the Company will direct, that the whole Force of Benares and Gauzipore under the Zemindar, be placed upon the same Footing as the regular military Force of the Presidency.

The Governor General—I agree to the Question in the original Terms of it, deeming it a Right inherent in every Government to impose such Assessments as it judges expedient for the common Service and Protection of all its Subjects; and we are not precluded from it by any Agreement subsisting between the Rajah and this Government.

Resolved, That Rajah Cheyt Sing be required in Form to contribute his Share of the Burthen of the present War, by the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence; and the Governor General is requested to write to him to that Effect.

To Rajah Cheyt Sing: Written 11th July 1778.

War having been declared between the Courts of Great Britain and France, by the former on the 18th March or 18th Suffer, and by the latter on the 30th of March, or 1st of Rubbee ul Awal, 1192 Hejeree, I am to request of you in my own Name, and that of the Board, as a Subject of the Company, bound to promote their Interest on every Occasion, to contribute your Share of the Burden of the present War, which will equally affect your Interest and ours. It has been determined by the Board, that an Establishment of Three Regular Battalions of Sepoys, to be commanded by British Officers, be raised and maintained at your Expence, and employed on such Service as the Situation of Affairs may require. I have no Doubt but, regarding this Measure equally conducive to your own and the Company's Interest, you will with the greatest Readiness comply, and I hope you will intimate your Consent without Delay.

Extract of the Proceedings of the Governor General and Council in their Secret Department, 17th August 1778.

The Governor General lays before the Board the following Letters, &c.

The Governor General lays before the Board the following Letter from Rajah Cheyt Sing, and informs the Board, that having called upon Ally Nucky, the Rajah's Vackeel, for an Explanation of his Master's further Sentiments upon the Subject of it, he received the following Answer from the Vackeel, being the Substance of a long Conversation, viz. That his Master was at all Times ready to pay Obedience to the Commands of the Board, and to afford every Proof of his Attachment to the Company; and that the Rajah had authorized him to declare his Acquiescence in the Requisition of a Subsidy equal to the Expence of Three Battalions of Sepoys, for the Service of the War.

The Vackeel contended much for fixing the Sum of the Subsidy at Three Lacks of Rupees. The Governor told him, it could not be less than Five; and received his Consent in his Master's Name, and in virtue of the Authority which he derived from the Rajah, to the Payment of that Sum for One Year, his Authority extending no further.

The Governor General is of Opinion, that as the Rajah's Consent has been expressed with such a Limitation, and eluded in his written Answers, the Payment of the Subsidy ought not to be left subject to the Contingencies which the Course of a Year may produce, but immediately demanded. He computes that the Amount of Three Battalions of Sepoys, on Double Batta, exclusive of Tents, Arms, and contingent Charges, will amount to 4,76,000 R<sup>l</sup>. On these Grounds he moves, That the Subsidy to be paid by Rajah Cheyt Sing, for the Maintenance of Three Battalions of Sepoys during the Course of the War, be fixed at the annual Sum of Five Lacks of Mucklidar Rupees; and that he be immediately required to pay that Sum into the Hands of the Resident Mr. Graham.

(Signed)

Warren Hastings.

Mr. Francis—I acquiesce, though in my own Opinion it would answer as well to us, and be less distressing to the Rajah, if the Subsidy were added in equal Proportions to the monthly Receipts of the Tribute.

I agree,  
Agreed,

P. Francis,  
R. Barwell,  
E. Wheler.

From

From Maha Rajah Cheyt Sing. Received 30th July.

I have been honoured by the Receipt of your gracious Letter, communicating the Intelligence of a War having broke out between the Courts of Great Britain and France, and desiring me to take on myself a Share of the Burthen of Expence. My Patron! I am the Servant of the Sircar; I will write you more fully hereafter. On all Occasions I am hopeful of your Highness's Favour and Support.

Resolved, That the following Letter be written to Mr. Graham; and that Notice of the Board's Resolution be given to the Persian Translator, that a Letter be accordingly prepared to be sent to Rajah Cheyt Sing.

Sir,

Thinking it necessary that Rajah Cheyt Sing should be required to contribute his Share to support the Burthen of the present War with France, we resolved that Three Battalions of Sepoys should be raised and maintained at his Expence: And the Rajah, in Answer to a Letter which the Governor General wrote to him on the Occasion, having, by Means of his Vackeel, agreed to pay a Subsidy of Five Lacks of Rupees for One Year, but not authorized his Vackeel to extend his Acquiescence further, we deem it necessary, and have accordingly ordered, that the Rajah shall immediately pay this Sum into your Hands; you will therefore receive the same from him, and remit the Amount of it to the Presidency.

We are, &c.

Fort William,  
17th August, 1778.

To Rajah Cheyt Sing. Written 17th August 1778.

I have been favoured with your Letter, intimating your Consent to the Requisition made to you by this Government as a Subject of the Company, to bear a Part of the Expence of the present War: I am pleased with your ready Compliance; of this indeed I could have no Doubt, as your Interest is equally concerned with the Company's in the Success of it. The Expence of keeping up Three regular Battalions has been calculated, and found to amount to Five Lacks of Rupees per Annum, at which Rate your annual Subsidy has been accordingly fixed. I am therefore to desire, in the Name of this Government, that you will pay immediately to Mr. Thomas Graham the Sum of Five Lacks of Muckledar Rupees. Thus you will perform your Duty to the Company, and secure their Favour and Support.

Extract of Secret Letter from Bengal, dated 17th August 1778.

Par. 12. We have agreed to augment our own Military Establishment, by the Addition of 15 Companies of Native Artillery, and 9 Battalions of Sepoys. Three of these Battalions are now forming by Drafts from the regular Troops which are stationed in the Nabob's Dominions, and the other Six will be composed of Recruits; but as we think it just that Rajah Cheyt Sing should contribute his Part to the Charges of the War, we have determined that Three of these Battalions shall be raised and maintained at his Expence, by Means of a Subsidy of Five Lacks per Annum, which he has agreed to pay for One Year.

Extract of the Proceedings of the Governor General and Council, in their Public Department, 28th September 1778.

Extract of Letter from the Resident at Benares, dated the 14th September 1778.

I think it necessary to inform you, that notwithstanding Seventeen Days are elapsed since your Orders arrived here, directing the Rajah to pay into my Hands the Subsidy he had agreed to pay, of Five Lacks of Mutchilidar Rupees, he has not yet paid me One Rupee; and offers, as a Reason, his Inability to discharge the Whole at once; and requests me to receive it by Monthly Payments. Your Honourable Board's Orders authorizing nothing of the Kind, I have acquainted him that it is impossible for me to come into his Request; and have repeated my Requisition, which I have indeed been urging every Day since the Receipt of your Orders, to pay me the whole Amount as speedily as possible.

The Governor General lays before the Board the following Letter from Rajah Cheyt Sing:

From

From Rajah Cheyt Sing, 28th September.

I have been honoured with your gracious Letter, desiring that I will, as a Subject of the Company, take on myself the Payment of Five Lacks of Mutchledar Rupees, as my Proportion of the Expences of the present War, and pay them to Mr. Graham.—Although I have no Ability left, and the great Burthen of Expence I laboured under from the Time of the Decease of the late Rajah till the Expiration of the Nabob Vizier's Authority over me is well known to God and your Excellency, yet solely with a View to Compliance with your Orders, and to prove my Fidelity, having sold and pledged every thing belonging to me, I will make good the aforesaid, in Instalments, in Six or Seven Months; although by parting with my Effects, which are clearly necessary, I am left in a State of Inability for the future; yet you will show me much Favour, that I shall again recover myself.

As a Time is required for the Sale of my Effects, and raising the Money, I hope, from your Kindness, that the Officers of Government may take from me in different Payments the said Sum in Sonaut Specie, as I shall not be able to procure this Sum in Muchledar Rupees; and that you will be graciously pleased to affix your Signature to my Requests, that I may apply myself with Satisfaction and Assiduity to the Business of the Sirkar.

Governor General—The Substance of this Letter, and the Requisition made by the Rajah to Mr. Graham, differ so much from the cheerful and ready Acquiescence with the Rajah's Vackeel, Shaik Ally Nuckey, made in his Master's Name, to the Demand we made on him for this Subsidy, that I think it necessary, for my own Justification, to call upon the Secretary to certify the Accuracy of my Minute, delivered on the 17th August, containing the Assent expressed by the Vackeel, in his Master's Name, to the Payment of the Subsidy.

The Secretary acquaints the Board, that the Governor General delivered to him the Minute above-mentioned, previous to his laying it before the Board, with Orders to explain the Contents of it to the Rajah's Vackeel, that it might correspond with the Acquiescence which he had delivered. He accordingly communicated the Minute to the Vackeel, and received from him a Confirmation of the Terms therein expressed.

The Governor General moves, That Orders be written immediately to Mr. Graham, that he do, on Receipt of them, demand of the Rajah in Person, the Payment of the entire Sum of Five Lacks of Rupees in the Space of Five Days; and declare to him, in the Name of this Board, that his Refusal or Neglect to compleat the Payment within that Time, shall be deemed equivalent to an absolute Refusal; and that he be forbidden in that Case to hold any farther Intercourse with the Rajah, until he shall have advised us of the Particulars of the Rajah's Conduct in this Instance, and received our Orders in Consequence.

Mr. Francis—I beg Leave to ask, Whether there be any Letter from the Rajah himself to the Governor, in which his Consent to pay the Five Lacks, in the Manner agreed to by the Vackeel, is expressed, or the Vackeel's Engagement to that Effect confirmed?

Governor General.—All the Rajah's Letters will be found in the Book of Persian Correspondence, to which I refer; but I well recollect, that the Assent given by the Vackeel was expressed in Terms the most peremptory that could be conceived, either confirmed by an Oath, or his own Life pledged for the Performance of it. My Minute was drawn up from Heads of what passed in Conversation with the Vackeel; and when it was explained to him by Mr. Auriol, he was very desirous of correcting a Part of it, which made the Acquiescence of the Rajah appear too general; and that it might be specifically limited to One Year, his Powers, he added, extended no further. The Correction was accordingly made upon the Spot, in the Room adjoining to this, and the Minute immediately recorded. I desire the Secretary to mention whether this agrees with his Recollection of the Matter.

The Secretary very well recollects the particular Circumstances alluded to by the Governor General, and therefore offers his Testimony, that the Vackeel declared he was authorized to acquiesce in the Subsidy for One Year, but no longer, and desired that the Requisition might be limited to that Time. The Minute was before indefinite.

Mr. Francis—I have no Sort of Doubt of the Reality of the Engagements made by the Vackeel; the Question is, whether they are Acts of the Rajah, or made by sufficient Authority from him? If the Vackeel had even a Letter of Credence, relative to the Point in question, it would be sufficient; if he had, it must appear on the Persian Correspondence, and I desire the Secretary will read it.

Governor General—I have looked over the Book of Correspondence; there are but Two Letters upon the Subject, the First a Letter recorded in Consultation of the 17th August, acknowledging the Receipt of mine, which contained the First Requisition of the Five Lacks, and promising an Answer. The Letter recorded on this Day, appears to be that Answer, as it begins with an Acknowledgment of the First Letter, and a short Recapitulation of its Substance. My First Letter was written on the 11th July, Two Months and Seventeen Days from this Date. If an Answer from the Vackeel, during so long an Interval, was not to be deemed authentic, the Rajah's Silence was more disrespectful than a direct Refusal; but if it be admitted as an Exculpation, his surest



Remedy against any Act of Government will be a Refusal to make any Reply to its Demands. I will not conceal from the Board that I have expected this evasive Conduct in the Rajah, having been some Time past well informed, that he had been advised in this Manner to procrastinate the Payment of the Five Lacks, to afford Time for the Arrival of Dispatches from England, which were to bring Orders for a total Change in this Government; and this he was given to expect would produce a Repeal of the Demand made upon him by the present Government. On intimating my Suspicions of such a Design to the Vackeel, he promised he would write in so effectual a Manner to his Master, as should without fail induce him to make an immediate Payment of the Subsidy. He this Morning informed me, that his Letter was dispatched on the 12th of this Month; its Effect ought by this Time to have shewn itself. Sufficient Time will have been given to the Rajah to obey the Authority of the Board, by the Arrival of the Orders which I have now proposed; and whether in that Interval he shall ratify the Act of his Vackeel or not, I shall consider of little Consequence. If the Board will support their own Authority, he shall be made to yield to it.

Mr. Francis—There is no Question but the Rajah must yield to the Power of this Government, and I shall be as ready as any Member of this Board to support its Authority, as long as its Power is directed by Justice. I did from the first express a Doubt, whether we had strictly a Right to encrease our Demands upon the Rajah beyond the Terms which we originally agreed to give him, which he consented to, and which, as I have constantly understood it, were made the fundamental Tenure by which he held his Zemindary. If such Demands can be encreased upon him at the Discretion of the Superior Power, he has no Rights, he has no Property, or at least he has no Security for either: Instead of Five Lacks let us demand Fifty; or whether he refuses or is unable to pay the Money, the Forfeiture of his Zemindary may be the immediate Consequence of it, unless he can find Means to redeem himself by a new Treaty. Having this Opinion of the Demand itself, as it originally stood, it cannot be deemed extraordinary in me, that I should proceed with very great Caution in enforcing any Penalties which may be proposed to attend his not instantly complying with it. It appears that the Engagements made by the Vackeel have not been confirmed by the Rajah, and that the Vackeel had not even a Letter of Credence from his Master. I know the Temper of Black Servants too well to punish their Principals for any Acts done by them, or even to hold them bound by such Acts, if not expressly or virtually confirmed by themselves. I do not mean by what I have said, that the Board should give up the Demand which they have already thought fit to make of the Rajah: That Resolution being passed, it only remains for us to take Care that it be carried into Execution without Harshness or Violence. The Rajah must pay the Money, if he has it; but I cannot conceive why we should insist on his paying it all at once. We do not instantly want it, and it may distress him in the greatest Degree to part with such a Sum at a single Payment. My Opinion is, therefore, that the Liquidation of the present extraordinary Demand upon him, should be settled by Installments, and that he should be assured at the same Time, that this Board will not make any further Demands upon him. Under such a Settlement, unanimously agreed to, it is not likely that the Rajah will delay or evade a due and regular Execution of it, from any Hopes he may conceive of future Relief by a Change in this Government.

The Governor General—The very Demand is itself a Proof that the Rajah expects such Relief; and with respect to his Ability to pay the Sum so long demanded from him, or even Ten Times that Amount, I speak within Compass, no Man can doubt of it. The Acts of the Majority of the Board are the Acts of the Board. When the Person who is the immediate Object of them, stands so high in the public Estimation, and holds Pretensions, as it appears this Rajah does, to a sovereign and independent Authority, such Acts once passed, ought never to be revoked. The Demand made upon the Rajah was for immediate Payment; the Demand ought to be supported rigidly; but I will so far yield to the Necessity of the Times, weakening as it may prove to the Powers of this Government, at a Crisis which of all others demands their most vigorous Exertion, as to consent to a Compromise. The Rajah has requested, that he may be allowed to pay the Sum required of him by Installments, within the Space of Six or Seven Months. I will consent to pardon his past Contumacy and Disobedience, on Condition of his consenting to pay the entire Sum within Three Months; which Time will have elapsed before the Orders now sent to Mr. Graham can take effect, although not a Rupee shall have been received to that Period, of the Payments which by his own Proposal ought to be half completed. I desire, that what I have said may not be misunderstood. I mean only to shew, that instead of the Harshness and Rigour, which have been imputed to this Government, in its present Conduct to the Rajah, he has been treated with a Lenity almost equal to the Substance of his own Demands. I think it unnecessary to reply further to Mr. Francis's Minute, as I desire only to obtain his Consent to a Measure upon his own Principles, which I understand to be, that a public Measure, nay even an Opinion of Government, once passed, ought to be invariably supported, even by those who opposed it in the first Instance.

Mr. Francis—It is generally true, that a Resolution of Government, once passed, should be supported; but, where the Rights of others are concerned, it is only true with this proviso, that such Resolutions are not directly contradictory to the Principles of Justice, or to the voluntary and fundamental Engagements of the Government itself. This Board was already bound to the Rajah by certain Acts of their own, not carried by a Majority, but unanimously agreed to. I desire, that



that they may be recorded in this Place as I find them stated in our Instructions to Mr. Fowke, of the 24th August 1775.

“ 4th. It will be proper to assure the Rajah, that we do not mean to increase his Tribute ; but to require from him the exact Sum, and in the same Species of Rupees, to be paid at Benares, as he paid to the late Vizier Sujah Dowlah, besides whatever Equivalent may be fixed for the Grant of the Mint and Cutwally to him, the Whole to be discharged by equal monthly Kists ; and if we should find it expedient hereafter to receive the Amount at the Presidency, a suitable Deduction or Commission shall be allowed to him, for the Expence and Risk of transporting or remitting it.

“ 5th. That under the acknowledged Sovereignty of the Company, we are determined to leave him the free and uncontrolled Management of the internal Government of his Country, and the Collection and Regulation of the Revenues, so long as he adheres to the Terms of his Engagements ; and will never demand any Augmentation of the annual Tribute which may be fixed.”

If the Opinions of the individual Members who then composed the Board, should be looked back to, I believe it will appear that the Amount of the Tribute was fixed at a higher Sum than the Governor General then thought the Rajah ought to pay. This however is immaterial ; I only mean to shew that I adhere to my Principles, and that the Doubts which I have constantly expressed, of the Justice of increasing our Demands upon the Rajah, which, if done at all, may be done *ad libitum*, were not ill founded.

Governor General—I must object to the Term “ unanimous ” applied to any Resolution passed at the Period to which Mr. Francis alludes, merely because my Dissent was not expressed to it. The Quotation from Mr. Fowke’s Instructions related only to the fixed and annual Revenue, but could never be understood to preclude that Right, which every Government inherently possesses, to compel all its Dependencies to contribute by extraordinary Supplies to the Relief of extraordinary Emergencies ; but though it were granted that this Injunction given to Mr. Fowke did extend to every Mode of Supply, still the Argument will not apply to the present Question. The present Demand for the Subsidy, just or unjust, was made unanimously ; and therefore, even on that Ground alone, ought to be unanimously supported.

Mr. Francis—Understanding that the instant Payment of the Five Lacks is still to be demanded in the Terms of the first Proposition, and that no Relaxation from those Terms was intended, I am against the Motion.

Mr. Wheler—I am for the Question ; but am further of Opinion, that it should be left to Mr. Graham to determine, whether to enforce Payment of the Sum required of the Rajah, for the present Exigencies of Government, by One Payment, or whether to receive it by different Installments, not exceeding Three Months from the First Payment to the Completion of the Whole.

Mr. Barwell—The Facts that have been related to the Board by the Governor General, speak the absolute Necessity of the Motion that has been agitated. In these Sentiments it is incumbent on me to support it ; and I think that in order to its full Efficacy the Governor General should be empowered to pursue such Means as may secure the Government from a Possibility of a further Disappointment.

Governor General—I cannot consent to the Qualification of the present Motion recommended by Mr. Wheler, for the Reasons I have already assigned. With respect to the Proposition implied in Mr. Barwell’s Minute, I shall take an early Occasion to offer my Sentiments upon it, desiring the Subject to rest here for the present.

Mr. Francis—If Mr. Barwell in his Minute means to give the Governor General, by his Voice, any Powers whatsoever independent or exclusive of the Board, I must request he will be pleased to explain himself ; I am sure that no such Powers can be wanted on the present Occasion.

Governor General—I beg that the Debate, which is now unnecessary, may end. The Morning has already been lost in Words. As nothing more is proposed to be done, I hope it is unnecessary that more of our Time should be consumed in ineffectual Debates, even without a professed Object.

Agreed, That the following Letter be written to Mr. Graham.

Sir,

We have received your Letters of the 15th July, 9th August, and 14th Instant.

We cannot consent to the Request of Rajah Cheyt Sing to be allowed to pay the Amount of his Subsidy for the Expence of the present War, for One Year, by monthly Kists. Our Orders communicated to him by the Governor General, for the immediate Payment, were positive ; we therefore confirm those Orders, and direct, that on Receipt hereof you wait on the Rajah forthwith, and demand of him in Person, and by Writing, the Payment of the full Sum of Five Lacks of Muchlidar Rupees, the Sum at which the Subsidy is fixed, in Specie to that Amount, to be made to you within Five Days of such Demand ; and declare to him, in the Name of this Government, that his evading or neglecting to accomplish the Payment thereof within that Space, shall be deemed equivalent to an absolute Refusal ; and in case of his Non-compliance with your Demand, we peremptorily enjoin you to refrain from all further Intercourse with him, until you shall have advised us of the Particulars of his Conduct in this Instance, and received our further Orders on the Subject.

Fort William,  
the 28th Sept’ 1778.

We are, &c.

Extract

Extract of the Proceedings of the Governor General and Council, in their Public Department,  
5th October 1778.

Read Two Letters from Mr. Graham as follows:

Honourable Sir, and Sirs,

I have been honoured with the Receipt of your Letter of the 17th Instant, informing me of Rajah Cheyt Sing having by Means of his Vackeel agreed to pay a Subsidy of Five Lacks of Mutchlidar Rupees, as his Share for the Support of the Burthen of the present War, and for the Purpose of defraying the Expence of Three Battalions of Sepoys, resolved to be raised and maintained at his Charge; also acquainting me of your having ordered the Rajah to pay this Sum immediately into my Hands, and directing me to receive the same from him, and to remit the Amount of it to the Presidency.

In consequence of these Orders, I have called upon the Rajah for Payment of Five Lacks of Mutchlidar Rupees, which I shall accordingly receive, and agreeable to your Orders, remit to the Presidency.

As the Exchange on Bills between this and Calcutta is daily rising, and is at present at the exorbitant Rate of 10½ per Cent. and as I am desirous the Company should sustain as little Loss as possible by the Remittance of this Sum, I beg to be informed whether you would prefer its being sent down under Insurance, whereby a Saving will accrue of One per Cent. after allowing for the full Expence of Coinage, which if the Company, being themselves the Coiners, do not chuse to charge themselves with, the Difference between remitting by Bills at the present Exchange and sending Specie, will be Three per Cent.

I have the Honour to be, with the highest Respect,

Benares,  
29th August 1778.

Honourable Sir, and Sirs, &c.

(Signed) Thomas Graham,  
Resident.

Honourable Sir, and Sirs,

I have the Pleasure to acquaint your Honourable Board, that last Night the Rajah made me a Payment of Fifty thousand Rupees in Part of the Subsidy of Five Lacks. He has promised to send me as much more To-morrow or next Day, and if the Whole is not discharged very soon, it shall not be owing to any Want of Exertion on my Part, to perfect the Execution of your Orders.

Benares,  
22d September 1778.

I have the Honour, &c.

(Signed) Tho<sup>s</sup> Graham,  
Resident.

To Rajah Cheyt Sing. Written the 11th October 1778.

I have received your Letter, containing Assurances of your Fidelity and Attachment, and intimating, that conformably to my Directions you had assented to the Payment of 5 Lacks of Rupees, and communicated your Consent in a former Arzee, and that afterwards being informed it was my Pleasure that the Whole should be paid at one Time in Calcutta, you would remit the Whole in the Space of a Week; with other Particulars, which I understand.

I am pleased at the Intimation of your Assent to my Desire, respecting the Mode of Payment of the afore said Sum, although it arrived somewhat late, and I doubt not but you will faithfully discharge your Promise by making the Remittance to Calcutta at the specified Time. Whilst you continue faithfully and zealously attached to the Company, you may be assured that every Measure will be adopted which may promote your Interest and Prosperity. Know me ever interested in your Welfare. For further Particulars I refer you to your Vackeel, Shaik Aly Nuckey.

Extract of the Proceedings of the Governor General and Council, in their Public Department,  
12th October 1778.

The Secretary lays before the Board the following Note from the Governor General.

Sir,

I herewith send you Four Bills of Exchange, this Instant delivered to me by Shekh Ally Nuckee, the Vackeel of Rajah Cheyt Sing, being for Four Lacks and a Half of Rupees, which, with Fifty thousand Rupees paid, complete the Sum of Five Lacks required of the Rajah for the extraordinary Expences of this Year.

Saturday Morning,  
10th October 1778.

I am, &c.

(Signed) Warren Hastings.

Ordered, That the Bills be sent to the Treasury, and that the following Letter be written to Mr. Graham.

Sir,

Rajah Cheyt Sing has, by Means of his Vackeel, remitted Bills of Exchange to us for the Sum of Four Lacks and Fifty thousand Rupees, which, with the Amount paid into your Hands, will complete the Subsidy of Five Lacks, required as his Proportion of the Burthen of the War with France for the present Year; we therefore direct, that you refrain from the Execution of the Orders contained in our last Letter.

Fort William,  
12th October 1778.

We are, &c.

Extract of the Proceedings of the Governor General and Council, in their Public Department,  
19th October 1778.

Received the following Letter from Mr. Graham.

Honourable Sir, and Sirs,

I did myself the Honour of addressing your honourable Board on the 22d ultimo, to inform you, that I had received from the Rajah Fifty thousand Rupees in Part Payment of the Subsidy of Five Lacks which he had agreed to pay the Company, and that I was promised a further Payment of Fifty thousand Rupees the next or following Day.

That Period and Three Days more having elapsed, without hearing any Thing either from the Rajah or his Servants regarding the promised Payment of Fifty thousand Rupees, I judged it necessary to remind the Rajah thereof by Letter, as well as to recommend to him a speedy Discharge of the Remainder. This Mode of Application having several Times repeated unsuccessfully, I deemed a personal Interview not only indispensable, but highly consistent with my Duty; on which Occasion I verbally demanded of him, in the Name of the Company, Payment of the Balance of the Subsidy; in Reply to which he acquainted me, that he would pay no more here, but would send the whole remaining Sum of Rupees 4,50,000 to his Vackeel at Calcutta, who would pay it there. Finding him determined in this Resolution, I desired he would furnish me with some Testimony thereof, either by an Address to your honourable Board, or, as it is more customary to the Governor General, that I might transmit it to him; but this he positively refused me.

These Circumstances I have thought it my Duty to inform you of, that you may honour me with your Commands thereon, likewise as to the Manner in which you would chuse I should remit the Fifty thousand Benares Sicca Rupees that have been paid me.

Benares,  
7th October 1778.

I have the Honour to be, &c.

(Signed) Thomas Graham,  
Resident.

Resolved, That the following Letter be written to Mr. Graham :

Sir,

We have received your Letter of the 7th Instant.

Our's of the 12th will have apprized you, that the Balance of the Subsidy of Five Lacks, required from the Rajah, has been discharged in full by Bills transmitted to us through the Channel of his Vackeel.

With respect to the Sum of Fifty thousand Rupees which the Rajah has paid into your Hands, we desire you will remit it, in such Manner as you shall think most advisable, to the Presidency.

We are, &c.

Fort William, the 19th July 1779.

Secret Department.

At a Council; P R E S E N T,

The Honourable Warren Hastings, Governor General, President,

Richard Barwell, }  
Philip Francis, } Esquires.  
Edward Wheler, }

Lieutenant General Sir Eyre Coote indisposed.

The Governor General delivers in the following Minute :

Governor General—It having been resolved in Secret Consultation, 9th July 1778, “ That Rajah Cheyt Sing should be required in Form to contribute his Share of the Burthen of the present War with France, by the Establishment of Three regular Battalions of Sepoys, to be raised and  
SEL. COM. REP. II. K “ maintained

"maintained at his Expence;" and the Amount of the Subsidy fixed by the Board in Consultation of the 17th August following, and agreed by him to be paid, for One Year, being Five Lacks of Mutchledar Rupees; as the Year is now expired, I move, That he be at this Time required to contribute the like Sum, as his Share for the Expence of the War for the current Year.

Agreed to the Governor General's Proposal.

Resolved, That the following Letter be written to Mr. Graham:

Sir,

The Period of One Year, for which Rajah Cheyt Sing contributed the Sum of Five Lacks of Mucklidar Rupees, as his Proportion of the Burthen of the War with France for the last Year, being expired, and the War still continuing, we find it necessary to maintain the same Force, and to require that the Rajah shall bear his Share of the Expence; you will therefore at this Time demand from him Payment of the above Sum, as his Proportion of the Charge for the current Year, and remit the Amount of it to us.

Fort William, 19th July 1779.

We are, &c.

Agreed, That the Governor General be requested to write to Rajah Cheyt Sing, acquainting him that the Period of One Year, for which he agreed to pay Five Lacks of Mucklidar Rupees, as his Share of the Burthen of the War with France, on the 17th August 1778, is expired; and as the Continuation of the War makes it still necessary to maintain the same Establishment of Troops for the Defence of the Country, the Board deem it requisite that he should at this Time contribute the further Sum of Five Lacks of Mucklidar Rupees, as his Share of the Charge for the current Year: Mr. Graham has therefore been directed to apply to him for the same.

Warren Hastings,

P. Francis,  
Edw<sup>d</sup> Wheler.

To Rajah Cheyt Sing. Written the 21st July 1779.

The Term of your Engagement for the Payment of an Annual Subsidy, as your Share of the Expence of the War, being expired, and the War still continuing, and the same Force being necessary to be kept up, I am therefore to desire that you will pay to Mr. Thomas Graham the further Sum of Five Lacks of Mucklidar Rupees, as your Proportion for the present Year. Mr. Graham has accordingly Orders to receive it from you, and it is necessary that you do not delay to pay it to him.

Fort William, the 26th August 1779.

Secret Department.

At a Council; PRESENT,

The Honourable Warren Hastings, Governor General, President,

Richard Barwell,

Philip Francis,

Edward Wheler.

} Esquires.

Lieutenant General Sir Eyre Coote, K. B.

Read the following Letter from Mr. Thomas Graham.

Honourable Sir, and Sirs,

Immediately on the Receipt of your Honourable Board's Letter of the 19th ultimo, directing me to demand of Rajah Cheyt Sing Payment of the Sum of Five Lacks of Mutchledar Rupees, as his annual Proportion of the Burthen of the present War with France, I waited upon him; and at the same Time that I communicated [the Orders of your Honourable Board myself, I delivered to him the Honourable the Governor General's Letter him in Confirmation thereof. He then gave me for Answer, that he had not the Ability to discharge the Demand. As this was similar to the Answer he gave me when I demanded Payment of his Subsidy for the last Year, I did not consider it as a definitive one, and therefore continued in renewing my Demand every Second Day; finding, however, that he holds to the Terms of his first Reply, and seeing no Probability of a speedy Change in his Sentiments, I am unavoidably reduced to the Necessity of applying for your Honourable Board's further Instructions on this Head. Until they arrive, I shall follow the Orders already sent me by repeating my Request for Payment every Second or Third Day.

I have the Honour to be, &c.

(Signed)

Tho<sup>s</sup> Graham

Resident.

Benares,  
16th August 1779.

Read

Read a Letter from Rajah Cheyt Sing, as follows :

From Rajah Cheyt Sing. Received 27th August 1779.

I have been honoured with your Letter, calling on me for the Payment of Five Lacks of Rupees on Account of the Expence of the War for the present Year, and understand its Contents.

My Situation is well known to you; and I assure you, without Reserve, that I have no Ability left; nor is there any Mode of Relief for me, but in the Exertion of your Favour. I am fully convinced that it is your Desire, who are my Master, to support me your Servant; and last Year you directed Sheik Ally Nucky, that I should by any Means, by disposing of my Effects or by borrowing, make this One Payment, and I should not be called on in future, and that you would take every Means for my Advantage and Support.

I accordingly put in Practice every Method in my Power, and by Loans made good the Requisition: It is now absolutely out of my Power to raise the Sum required, and I am therefore hopeful that you will be kindly pleased to excuse me the Five Lacks now demanded, and that nothing may be demanded of me beyond the Amount expressed in the Pottah, which through your Favour I obtained from the Honourable English Company.

This Rije and Zemindary, and my Dignity, are the Gifts of your Highness. I have judged it necessary to represent to you my Inability and helpless State.

Governor General—I move, That the Commander in Chief be directed to issue an Order for the March of Two Battalions of Sepoys from the nearest Station of the Army, excepting the first and temporary Brigades, to Benares, on the Requisition of Mr. Graham, and there to remain for the further Orders of the Board: That the whole Expence of this Detachment, from the Day of its March, be exacted from the Rajah of Benares: That this Resolution be communicated to him by the Governor General; and that the Resident be ordered to inform the Rajah of it, repeating his Demand for the Sum required; and in case of his Refusal or Non-compliance with his Demand, to give immediate Notice to the Officer in Command of the Detachment, that he may march accordingly.

Sir Eyre Coote—Agrees to the Motion.

Mr. Wheeler—I am against it.

Mr. Francis—I never approved of the additional Demand beyond his stipulated Tribute: I cannot therefore concur in the Measure proposed. I firmly believe it to be unnecessary, even for its avowed Purpose; and I am very much afraid that it will be attended with Consequences ruinous to the Rajah and to his Country. That Country is now one of the richest Jewels we possess. The great Revenue we draw from that Country may be permanently secured under mild and equitable Treatment. Measures of a different Nature may extort more for a Moment; but they will ruin the future Resource.

Mr. Barwell—It rests with the Rajah himself to discharge his Quota of the Expence of the War voluntarily, or to be compelled to it. I agree to the Motion.

Governor General—Benares is not a Jewel in our Possession, If we leave the Rajah an Option to obey or disobey the Orders of his superior Government, and to maintain himself in the Independency of a tributary Prince. As to the Ruin portended from this Order, the Terms of the Question itself put it in his Power to prevent even the Execution of the Order, and more I shall not at this Time say upon the Subject; I may hereafter.

Agreed to the Governor General's Motion: And,

Resolved, That the Commander in Chief be requested to give Orders to Major Camac; or the Officer in Command of his Detachment, for the March of Two Battalions of Sepoys to Benares, on the Requisition of Mr. Thomas Graham, the Resident there, and to remain at that Place for further Orders.

Resolved, That the following Letter be written to Mr. Graham.

Sir,

We have received your Letter of the 16th Instant, acquainting us that Rajah Cheyt Sing had declined to pay the Five Lacks of Rupees which were required of him as his Proportion of the Expences of the War for the current Year.

Having judged it necessary to make this Claim, which was suggested to us by the Exigency of the Case, we cannot admit of any Plea which the Rajah may urge to exempt him from it. Orders have therefore been sent to Major Camac, or the Officer in Command of his Detachment, to march to Benares immediately on your Requisition, with Two Battalions of Sepoys, and to wait our further Orders at that Place. We have thought this Step necessary for the Purpose of compelling the Rajah to pay the Quota required of him in case of Necessity; and we direct that you repeat your Demand, and insist on his Compliance. If the Rajah should still continue to object to your Claim, and refuse Payment, you are to require the Officer in Command of the Detachment, to march immediately in Conformity to our Orders, and advise us of your Proceedings. We hope, however, that you will not be reduced to proceed to this Extreme, as it would oblige us to increase

increase our Demands on the Rajah, by exacting from him the whole Expence of the Detachment from the Day of its March, in Addition to our original Claim.

Fort William,  
the 26th August 1779.

We are, &c.  
Warren Hastings,  
P. Francis,  
Edw<sup>d</sup> Wheler.

To Rajah Cheyt Sing: Written the 28th August 1779.

I have received your Letter in Reply to the one I wrote to you, requiring the Payment of Five Lacks of Rupees, as your Share for the present Year of the Expences of the War; and am greatly astonished at your Refusal and pretended Plea of Inability, it being very inconsistent with the Duty you owe to the Company. I now repeat my Demand, that you do, on the Receipt of this, without Evasion or Delay, pay the Five Lacks of Rupees into the Hands of Mr. Thomas Graham, who has Orders to receive it from you, and Authority, in case of your Refusal, to summon the Two Battalions of Sepoys under the Command of Major Camac to Benares, that Measures may be taken to oblige you to a Compliance; and in this Case the whole Expence of this Corps, from the Time of its March, will fall on you.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 13th September 1779.

Read a Letter from Mr. Graham, as follows:

Honourable Sir, and Sirs,

I have been this Day honoured with the Receipt of your Letter of the 19th August.

In Compliance with your Honourable Board's Orders, to revert to the usual Mode of receiving Payment of the Rajah's Tribute by Bills of Exchange on Calcutta, I have accordingly written to him to furnish me with them, for the Amount of his Kist, which becomes due the 4th Instant.

In my Address of the 15th ultimo I acquainted your Honourable Board with my Proceedings to that Time, regarding the Demand of Five Lacks made on the Rajah, as his Proportion of the Burthen of the War with France; since then I have, as I informed your Honourable Board I should, renewed my Application for Payment, either verbally or by Letter, every Second or Third Day; but his Answer has been uniformly the same, that he has not the Ability to discharge it. I have, exclusive of these repeated Applications, also used every Argument in my Power to convince him, that as a Subject of Government, it was a Duty inseparable from his Allegiance to afford every Assistance it might require whilst it was engaged in a War, and that a Denial under such Circumstances was never admitted of.

I shall continue to impress him with those Sentiments, and to urge him to make Payment, until I receive the further Instructions of your Honourable Board for my future Conduct.

I have the Honour, &c.

Benares,  
the 2d September 1779.

(Signed) Tho<sup>s</sup> Graham,  
Resident.

From Rajah Cheyt Sing to Mr. Graham, 20th September 1779.

I received your Letter about the Five Lacks of Rupees, and understand the Contents. I have before made known to you my distressed Situation, that I have not Power to comply, and I have also sent an Arzie, in Answer to the Letter from the Presence which you delivered to me. I have no Power to comply: I discharge the Revenue according to the Pottah granted by the Sirkar. I am hopeful that this Order may be revoked; for which Purpose I have also written an Arzie to the Presence, and request that you will oblige me, by dispatching it without Delay.

Enclosure in the foregoing.

From Rajah Cheyt Sing to the Governor General.

Every Two or Three Days am I called upon to pay Five Lacks of Rupees: Your gracious Letter on this Subject honoured me by its Arrival. I have dispatched an Arzie in Answer, which will have been presented to you. In Obedience to your Order, I last Year, by every Means, and borrowing from all Quarters, raised the Sum; and at that Time you promised that it should not happen again. I have it not in my Power at present. You have before honoured me with the Title of Son, and regarding me as your Son, you have protected me; I am therefore hopeful that I may be excused from this Requisition.

To



To Rajah Cheyt Sing : Written 25th September 1779.

I have received your Letter ; from the Contents of which, as well as from the Letters of Mr. Graham, and the Copy of a Letter which you wrote to that Gentleman, and which he transmitted for my Inspection, it appears but too clearly, that instead of a cheerful Compliance with the Requisition of this Government in the immediate Payment of the Sum of Five Lacks of Rupees, as your Share for the Expence of the War for the present Year, a Requisition which the great Burthen of Expence under which the Company labour for the Defence of the Country renders necessary, and to which you, as a Subject of theirs, are bound to contribute, have thought proper, under the Plea of Inability, which is well known to be futile, to endeavour to amuse the Resident with vague and distant Promises, meaning probably to protract, if not entirely evade, Payment of the Sum required of you. In a Letter which I lately wrote you, I informed you in express Terms that this Government neither could or would recede from so reasonable a Demand ; and added, that in case of no Compliance on your Part, Mr. Graham was authorized to summon a Detachment of our Forces to enforce our Orders if it should be found necessary. This I hoped would have opened your Eyes, and induced you to relinquish a Conduct which must, if pursued, bring the greatest Disadvantages on you. But since even this Intimation of our Determination has proved ineffectual, I now think it necessary to inform you, that we have desired the Commander in Chief to dispatch Major Camac, with the Detachment under his Command, to Benares, there to wait our further Orders ; he will accordingly begin his March immediately, unless the Resident in the mean Time, from the actual Receipt of the Subsidy, shall inform him that it is unnecessary for him to proceed further ; and you will be pleased to observe, that should you force us to a Measure so contrary to our Wishes, the whole Expence of the Detachment, from the Time of its March, will be required from you, exclusive of the Subsidy for the War.

Copy of. a Letter from Rajah Cheyt Sing, in Reply to Mr. Graham : Received the 25th September 1779.

I have received your Letter, accompanied by One from the Nabob Amaud ul Dowlah, Governor General, Jelladut Jung, and understand the Contents.

You press me to return an Answer to the Letter from the Presence.—My Friend ! I have already represented to you personally my absolute Inability ; but as a fresh Order is arrived from the Presence, for the Payment of the said Sum, and you, through Motives of Friendship, press me on the Subject, being remediless I have, notwithstanding my absolute Inability, which exceeds Description, consented this once to comply with the Orders of the Presence. I will, by every possible Means, by taking up Loans, comply with the Orders from the Presence, and pay it gradually to you.

I am hopeful, from your Kindness and Regard, that you will use every Means to secure me the future Support and Favour of the Presence.

From Rajah Cheyt Sing to the Governor General. Received 25th September 1779.

I have been honoured with your gracious Letter, urging me in the strongest Terms to the Payment of Five Lacks of Rupees on Account of the Share of the Expences of the War for the present Year, and understand your Pleasure. Regarding your Highness as my Master, in the Representation which I sent you of my Poverty and absolute Inability, I had no View of preserving my Property, and deceiving you by false Pretences ; but I had really no Property left but what is apparent to every Body, such as Elephants, Horses, &c. which for the Support of my Credit I am obliged to keep, since that Credit is the Gift of your Highness's Bounty ; but since you have been pleased to direct that I should raise the Sum by any Means I can, I regard it as the Effect of my evil Destiny that the Representation of my Situation had no Weight, and submit to the Necessity of this once complying with your Order. Notwithstanding the Greatness of my Poverty, which exceeds all Description, I will make good the Sum gradually by the Disposal of my Effects, and by Loans, the Particulars of which I cannot fully explain to you.

Since you have honoured me, your most faithful and obedient Dependent, with the greatest Marks of Favour and Regard, even to the honouring me with the Title of your Son, I am hopeful, from the Continuance of that Regard, that you will in future continually keep in View my Welfare and Interest, and will be kindly pleased to excuse me from Services which are beyond my Ability to perform, on a Compliance with which my Support, nay even Life, and the Prosperity of the Country depends.

Fort William, 29th September 1779.

Secret Department.

At a Council; PRESENT,

The Honourable Warren Hastings, Governor General, President,

Richard Barwell, }  
and } Esquires.  
Edward Wheler, }

Mr. Francis indisposed.

Sir Eyre Coote gone to review the Army.

Read the following Letters from Mr. Graham, Resident at Benares :

Honourable Sir, and Sirs,

I had last Night the Honour of receiving your Letter of the 26th ultimo, directing me to repeat the Claim which your Honourable Board had thought proper to make of Rajah Cheyt Sing, for Five Lacks of Rupees, as his annual Proportion of the Expence of the present War, and empowering me, in case of his persisting in refusing Payment, to require Major Camac with Two Battalions of Sepoys, to march to this Place, and to wait your further Orders.

Having also received the Honourable the Governor General's Persian Letter to the Rajah on the Subject, I have sent it to him, with a Letter from myself requiring his immediate Compliance with the Orders contained therein, and desiring that he would forthwith send a Person properly qualified to make Payment to me of the Five Lacks of Rupees, and further to send me a Reply to the Governor General's Letter. I shall immediately do myself the Honour to address you on the Receipt of his Answer, which I flatter myself will prove satisfactory, and that I shall not be under the Necessity of making use of the discretionary Power which your Honourable Board have been pleased to lodge in me, in order to compel him to Payment.

I have the Honour to be, &c.

Benares,  
the 10th Sept<sup>r</sup> 1779.

(Signed) Tho' Graham,  
Resident.

Honourable Sir, and Sirs,

I have this Day received an Answer from Rajah Cheyt Sing to the Letter which I informed your Honourable Board I had written to him on the 10th, requiring his Compliance with your Orders; wherein he sends me an Answer to the Governor General's Letter, which I have transmitted to him, and acquaints me with his having consented to the Payment of the Five Lacks of Rupees. As however he still holds forth his original Plea of Inability, I have every Reason to apprehend he will be very dilatory in his Payments; I beg therefore to be favoured with your Honourable Board's Orders, as to the Conduct which in such Case I must observe towards him.

Benares,  
12th September 1779.

I have, &c. &c.

Tho' Graham,  
Resident,

Honourable Sir, and Sirs,

I have herewith the Honour to transmit you Twelve Bills of Exchange, for the Sum of Calcutta Sicca Rupees 1,85,145. 6. 16. 1. drawn in favour of the Honourable Company, as per accompanying Invoice, being on Account of Rajah Cheyt Sing's Kists due the 4th Instant, and in Part Payment of his Annual Tribute.

Although Four compleat Days are now elapsed since I had the Honour of informing you of the Rajah's having consented to the Payment of the Five Lacks of Rupees; and although I sent him a suitable Reply to the Letter he wrote me on the Occasion, and at the same Time repeated my Request for a Person being sent to me sufficiently qualified for discharging the Amount; no one has yet come, nor has any Money been yet paid me: On the contrary, through his Vackeel, he has solicited to be indulged with Time, but without specifying any Period; which leaving Room for no other Answer than to desire him to conform to the Orders he had received from your Honourable Board through the Channel of the Governor General, I have sent a Person to attend at his Durbar, to require his speedy Compliance therewith.

Benares,  
16th September 1779.

I have, &c. &c.

Tho' Graham,  
Resident.

Honourable Sir, and Sirs,

I had the Honour of addressing you last Night, informing your Honourable Board of the Steps I had taken towards obtaining the Payment of the Five Lacks of Rupees from Rajah Cheyt Sing. I this Day received a Letter from him; of which I beg Leave to submit to your Consideration the following Translate :

" The Situation of my Affairs is well known to you; and I have repeatedly represented the Particulars to you. The Five Lacks of Rupees, on Account a Proportion of the Expence of the War, conformably to the Injunctions of the Honourable English Company, I have for this Time agreed to pay; neither am I dilatory or inattentive in providing for its Discharge; but the Amount is considerable, and can only be liquidated by Degrees. Within the Space of Four Months I will pay it to you by Instalments: To the End of the Month of Zelhedge," (corresponding nearly to the Middle of the English Month of January ensuing) " I will complete Payment of the Whole. What is now preparing, in Part of the aforesaid Sum of Five Lacks, shall be paid to you on Thursday next, the 12th of Rumzan. My Thoughts are not a Moment at rest from this Matter. But, from incessant Applications, Inconveniencies are occasioned to the Provision, and my Endeavours are interrupted. From your Indulgence, I will discharge the Amount in the Manner above specified."

I shall be glad to be honoured with your Orders on the Subject of the foregoing Letter: In the Interim, I considered it consistent with the Spirit of those Orders already received from your Honourable Board, to reject the Propositions therein contained, and to repeat my Demand for Payment of the Whole without Delay.

Benares,  
17th September 1779.

I have, &c. &c.

Tho' Graham,  
Resident.

Governor General—As it appears by the last of the above Letters from Mr. Graham, that Rajah Cheyt Sing, whose present Ability to discharge the full Amount of the Sum demanded of him cannot be doubted, is endeavouring to amuse our Resident with Delays; and as his Reply, although it professes an Intention of Compliance with his Claim, is a plain Evasion of it, I think Mr. Graham, according to the Spirit of the Orders he had received, ought to have required the immediate March of Major Camac's Detachment, to enforce Payment from the Rajah; but as he has omitted to act in this Manner, and as it appears to be his Intention to wait for the further Orders of the Board, I move, That the Contents of his Letters be imparted to the Commander in Chief, and that he be desired to send Orders forthwith to Major Camac to march without Delay, in Conformity to his former Instructions, giving Notice of the Day on which he shall move from his present Station to Mr. Graham, that the Expences of the Detachment, from that Time until its Return, may be charged to the Rajah; and that Major Camac do continue his Route with the Two Battalions under his Command to Benares, unless Mr. Graham, upon the full Receipt of the Subsidy, shall notify to him that there is no Necessity for his Proceeding. I further move, that Letters to the same Effect be prepared and dispatched to Mr. Graham and Rajah Cheyt Sing.

Mr. Wheler—I object to the above Orders.

Resolved, That the following Letters be written to the Commander in Chief and Mr. Graham; and that the Governor General be likewise desired to write a Letter to the same Effect to Rajah Cheyt Sing.

To the Commander in Chief.

Sir,

As it is implied, by the enclosed Copies of Letters which we have received from our Resident at Benares, that Rajah Cheyt Sing means to protract if not entirely to evade Payment of the Five Lacks of Rupees required of him, as his Share of the Expences of the War for the current Year, by his distant and illusory Promises, although there can be no Doubt of his present Ability to discharge the Demand if he thought proper, we conceive that some effectual Means should be taken to compel him to it.

Mr. Graham has not yet required the March of Major Camac's Detachment, in Obedience to the Letter of our Orders to him; we therefore request that you will issue fresh Orders for this Detachment to repair forthwith to Benares, and there to wait, according to your former Instructions; unless Mr. Graham, in consequence of the full Receipt of the Subsidy, shall inform the Officer in Command of it, that his Proceeding is thereby rendered unnecessary. It will be proper likewise to direct, that the Day of March be notified to Mr. Graham, in order to enable him to claim the Expences of the Detachment from that Time till its Return to Dinapore, from the Rajah.

Fort William,  
29th September 1779.

We are, &c. &c.

To Benares.

Sir,

We have received your Letters of the 10th, 12th, 16th, and 17th Instant.

As we conceive that the Rajah means to amuse you with vague and distant Promises, and thereby to protract if not entirely to evade Payment of the Sum required as his Proportion of the Expences of the War for the current Year, we are of Opinion that compulsory Means should be immediately used

used to oblige him to discharge it, since there can be no Doubt of his present Ability. We have therefore desired the Commander in Chief to issue his Orders to Major Camac, to march forthwith to Benares with the Detachment under his Command, and there to wait our further Orders; unless you in the mean Time, from the actual Receipt of the Subsidy, shall inform him that it is unnecessary to proceed any further. Major Camac will advise you on what Day he shall have marched from Dinapore; and we direct, that you insist on the Rajah's paying the Expences of the Detachment from that Time till its Return to the same Place, exclusive of the Subsidy for the War.

Fort William,  
29th September 1779.

We are, &c. &c.

Warren Hastings,  
Rich<sup>d</sup> Barwell,  
Edw<sup>d</sup> Wheler.

Extract of the Proceedings of the Governor General and Council, in their Public Department, the  
25th October 1779.

Read the following Letters from Mr. Graham :

Honourable Sir, and Sirs,

Rajah Cheyt Sing not having yet completed Payment of One Lack of Rupees in Part of his Subsidy of Five Lack, notwithstanding agreeable to his own voluntary Proposal, whereof I transmitted you a Translate in my Address of the 17th ultimo, he ought Twelve Days ago to have paid me a Lack and Twenty-five thousand, I have, believing it to be consistent with the Spirit of your Honourable Board's Instructions, dated the 26th August, in order to enforce Payment, this Day written to Major Camac, requiring him with the Detachment under his Command, to march to this Place with all convenient Expedition.

Benares,  
the 3d October 1779.

I have the Honour, &c.

Tho<sup>s</sup> Graham,  
Resident.

Honourable Sir, and Sirs,

I have been honoured with the Receipt of your Letter of the 29th ultimo:

My Address to your Honourable Board of the 3d Instant, acquainted you not only of the Rajah's Continuation to procrastinate the Payment of the whole Subsidy, but of his Failure in particular in the Payment of that Proportion which he had himself voluntarily fixed a Time for discharging, and of my having in consequence sent the necessary Notice to Major Camac to march with the Detachment under his Command to this Place. Your further Instructions on this Subject now before me, shall be punctually attended to. The Rajah, notwithstanding he has been repeatedly made acquainted with your Honourable Board's determined Resolution to obtain speedy Payment, and of the Consequences attendant on Delays, has only, to this Day, paid me the Sum of One Lack and Nineteen thousand Rupees; he now offers in Excuse, a general Scarcity of Specie; what may be his Conduct on the Approach of the Detachment you shall be duly informed of.

I have herewith the Honour to transmit you Fifteen Bills of Exchange for the Sum of Calcutta Sicca Rupees, 1,85,145. 6. 16. 1. drawn in favour of the Honourable Company as per accompanying Invoice, being on Account of Rajah Cheyt Sing's Kist due the 4th Instant, and in Part Payment of his Annual Tribute.

Benares,  
the 12th October 1779.

I have the Honour,  
(Signed)

Tho<sup>s</sup> Graham,  
Resident.

Resolved, That the following Letter be written to Mr. Graham :

(Extract)

Sir,

The Provincial Council at Patna, having still occasion for an extraordinary Supply of Cash to answer their current Disbursements, we direct that you remit to them the Amount which you may have received or shall receive from the Rajah on Account of his Subsidy for this Year, by Bills of Exchange; in the Negotiation of which we need not recommend to you to fix the Exchange at the most favourable Rate you can obtain.

Extract of the Proceedings of the Governor General and Council, in their Secret Department,  
28th October 1779.

Read the following Letter from Mr. Graham :

Honourable Sir, and Sirs,

The Purpose of this is to inform you, that the Dinapore Detachment, under the Command of Captain Crabb, arrived here this Morning, and have for the present encamped contiguous to Ramnagur. As the Rajah has only yet paid Half the Amount of the Subsidy, viz' 2,50,000 Rupees, One Lack of which was paid me Yesterday, I conclude, therefore, that in Two or Three Days more he will discharge the Whole ; at least he acquainted me so by the Person who came with the last Payment. I shall send your Honourable Board daily Information of his Conduct.

I have the Honour to be, &c.

Benares,  
19th October 1779.

(Signed)

Tho' Graham,  
Resident.

Extract of the Proceedings of the Governor General and Council, in their Secret Department,  
1st November 1779.

Sir,

Since writing the foregoing, the General has desired me to request you will inform the Governor, that the Two Battalions of Sepoys ordered to Benares, being in want of their Pay, he has directed the Resident to issue it to them from his Treasury, which he imagines will be sufficient Authority for Mr. Graham, but would rather it should be confirmed by the Governor General.

I am, &c.

W<sup>m</sup> Tierney.

Agreed that his Application to Mr. Graham be confirmed by the following Orders :

To Mr. Thomas Graham.

Sir,

We have received your Letters of the 20th and 22d ultimo.

Our last Orders concerning the Disposal of the Sum which you have received from Rajah Cheyt Sing, on Account of his Subsidy for this Year, directed the Remittance of it to the Chief and Council at Patna ; but as we understand that the Two Battalions of Sepoys which marched to Benares, will require an Advance for their Pay, and that the Commander in Chief has applied to you to make an Advance for that Purpose, you will accordingly comply with his Desire, and remit the Residue which shall remain in your Hands of the Subsidy, together with the Amount which you will demand and receive from the Rajah for the Expences of the Detachment from the Date of its quitting Dinapore until the Amount of the Five Lacks was completely discharged, to Patna, agreeably to our former Instructions.

Fort William,  
2d November 1779.

We are, &c.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 6th December 1779.

Read, the following Letter from Mr. Graham :

Honourable Sir, and Sirs,

I have been honoured with the Receipt of your Letters of the 2d and 15th Instant.

I shall follow the Directions of the Commander in Chief, who is now here, regarding the Pay of the Two Battalions at this Place ; and shall, agreeably to your Instructions, remit what may remain of the Subsidy of Five Lacks received from Rajah Cheyt Sing, to the Provincial Council of Revenue at Patna : Hitherto I have only been able to send them Bills for 80,000 Sonaut Rupees.

I have made public the Orders of the Court of Directors, continuing the Powers of Government vested in your Honourable Board by the Act of Parliament.

I have herewith the Honour to transmit you Eight Bills of Exchange, for the Sum of Calcutta Sicca Rupees 1,85,145. 6. 16. 1. drawn in Favour of the Honourable Company, as per accompanying Invoice, being on Account of Rajah Cheyt Sing's Kist due the 4th Instant, and in Part Payment of his Annual Tribute.

I have the Honour, &c.

(Signed)

Benares,  
the 27th November 1779.

Tho' Graham,  
Resident.

Ordered, that the Bills inclosed in the foregoing Letter be sent to the Treasury.

From Rajah Cheyt Sing.—Received the 16th December 1779.

Your gracious Letter, directing me to pay without Delay the Sum of Five Lacks of Rupees, as my Share of the Expences of the War for this Year, honoured me by its Arrival, and made me acquainted with your Pleasure. My Protector! before the Arrival of your Orders, I had paid 1,50,000 Rupees to Mr. Thomas Graham; and immediately on the Receipt, I sent the Balance of 3,50,000 Rupees to the said Gentleman. I was not forgetful of it for One Instant. As the Troops were sent here, I have given that Gentleman their Pay from the Day of their March till the Day that the Sum was discharged, which was not quite Fifteen Days. I am hopeful, that considering me to be attached to you from of old, you will protect and support me by your Favour and Friendship, that my Honour and Dignity may be encreased by it.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 23d December 1779.

Read a Letter from the Resident at Bénarès, as follows :

Honourable Sir, and Sirs,

I have been honoured with the Receipt of your Letter of the 29th November, and in Compliance with the Directions therein contained, have herewith the Honour to enclose you Five Bills of Exchange for Calcutta Sicca Rupees 2,64,342. 11. 6. drawn in your Honourable Board's Favour, as per Invoice, being in Exchange for Benarès Sicca Rupees 2,81,150. the Amount Balance of the Subsidy in my Hands, as per Account Current enclosed.

The Rates at which I have negotiated the aforesaid Five Bills are 1 per Cent. and  $\frac{1}{2}$  per Cent. within the Rate allowed to Rajah Cheyt Sing in the Adjustment of his Tribute.

I have the Honour, &c.

Benarès,  
the 10th December 1779.

(Signed) Tho<sup>s</sup> Graham,  
Resident,



Dr.

Thomas Graham, in Account with the Honourable Company.

Cr.

1779.	To Cash received from Rajah Cheyt Sing as follows, for his Subsidy, on Account his Proportion of the Expenses of the present War.		By the Patna Council of Revenue, remitted them as follows by Bills of Exchange :	
Sept. 30th.	Received this Day	—	Nov. 8th. One Bill for Patna Sonaut Rupees	40,000
October 1st.	D°	—	15th. One D° for D°	— 30,000
2d.	D°	—	16th. One D° for D°	— 10,000
3d.	D°	—		
5th.	D°	—	Patna Sonaut Rupees 80,000 at the	
7th.	D°	—	Exchange of 106. 8. Benares Sicca Rupees per	
9th.	D°	—	100 Patna S°, is	85,200 —
15th.	D°	—	30th. By Cash advanced at sundry Periods to Captain	
18th.	D°	—	Crabb, commanding a Detachment from Dinapore, on Account of the Expenses thereof, to	
19th.	D°	—	the End of November, as per his Receipts	98,000 —
20th.	D°	—	Dec. 7th. By the Patna Council of Revenue, remitted them	
21st.	D°	—	by a Bill of Exchange for Patna Sonaut Rupees	
Nov. 29th.	To Cash received from Rajah Cheyt Sing, for the	—	53,000, at the Exchange of 105 Benares Sicca	
	Expenses of the Detachment from Dinagore,	—	Rupees per 100 Patna Sonauts, is	55,650 —
	from the Day of its March from thence till the	—		
	Subsidy of Five Lacks was completed, being	—		
	14 Days	—	10th. By Balance remitted this Day by Bills of Ex-	2,38,850 —
		—	change, as per Invoice	2,81,150 —
		—		5,20,000 —
		—	Benares Sicca Rupees	

[ 43 ]

Benares, the 10th December 1779,  
(Errors excepted)  
per Tho' Graham,  
Resident.

Extract of Secret Letter from Bengal, dated 13th March 1780.

Par. 41. We thought it necessary and consistent to demand a further Contribution of Five Lacks of Rupees from Rajah Cheyt Sing, for his Part of the Expences of the War for the current Year, being the same Sum as he paid towards that and for the last Year. The Rajah strongly pleaded his Inability to comply with this Demand, and even suffered us to send Two Battalions of Sepoys from Dinapore to Benares to enforce Payment, before he would grant it; at length however, with much Difficulty the Amount was received from him, added to a Penalty of 20,000 R<sup>s</sup> for the Expences of the Two Battalions until their Arrival at Benares.

42. We shall make but this short Observation upon the Conduct of the Rajah, that whether it proceeded from the Apprehension of establishing a Precedent for exceeding the Sum of his annual and stipulated Revenue, or from a Sense of Independency, it was equally unreasonable, and an ungrateful Return for the Benefits which he has been allowed to derive from the Company's Protection.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Secret Department, the 22d June 1780.

Governor General — The Period of Two Years, for each of which the Rajah of Benares, at the Requisition of the Board, has contributed the Sum of Five Lacks of Mucklidar Rupees as his Proportion of the Burthen of the War with France, being nearly expired, and that War still continuing, I move, That he be now called upon to contribute the like Sum as his Share of the Expence of it for the current Year.

Agreed to the Governor General's Motion,

The following Letter is in consequence written to the Resident at Benares :

To Mr. Francis Fowke.

Sir,

The Period of Two Years, for each of which Rajah Cheyt Sing has contributed the Sum of Five Lacks of Mucklidar Rupees as his Proportion of the Burthen of the War with France, being nearly expired, and the War still continuing, we find it necessary to maintain the same Force, and to require that the Rajah shall be at his Share of the Expence; we therefore direct that you demand from him Payment of the aboye Sum, as his Proportion of the Charge for the current Year, and remit the Amount of it to us,

We are, &c.

Fort William,  
22d June 1780.

To Rajah Cheyt Sing: Written 22d June 1780.

The Period of the Second Year, for which on the 17th August 1778 you agreed to pay the annual Subsidy of Five Lacks Muckledar Rupees as your Share of the Burthen of the War with France, being expired, and the Continuation of the War making it still necessary to keep up the same Force for the Defence of the Country, I am therefore to desire you to contribute the further Sum of 5 Lacks of Muckledar Rupees as your Share of the Charge for the present Year. Mr. Fowke has accordingly been directed to apply to you for the same. It is necessary that you do not delay to pay it to him.

Extract of the Proceedings of the Governor General and Council, in their Public Department, the 7th September 1780,

Read the following Letters from the Resident at Benares ;

Extract, dated 21st July 1780.

In Obedience to your Orders of the 22d ultimo, I have demanded of Rajah Cheyt Sing the Sum of Five Lacks of Mutchlidar Rupees, as his Proportion of the Burthen of the present War with France. The Rajah has desired me to inform you of his entire Submission to your Commands. He has promised to pay One Lack of this Amount within a few Days. I shall immediately advise your Honourable Board of the Receipt of it, and shall remit it upon the most advantageous Terms I can obtain; I shall likewise urge the Rajah, in the strongest Manner possible, to use the utmost Expedition in the Discharge of the remaining Part.

Extract

**Extract of Letter from the Resident at Benares, dated 10th August 1780.**

————— I have received from the Rajah One Lack of Rupees, in Part Payment of his Subsidy ; and I have the Honour to enclose Bills of Exchange for the Amount of this Sum, drawn as per accompanying Invoice.

I have urged the Rajah very strongly to complete the Payment of his Subsidy with all possible Expedition ; but he is determined to make no further Payment till he receives an Answer to his Arzee, transmitted in my Letter of the 5th Instant to the Honourable Governor General.

The Governor General lays before the Board the following Letter from the Rajah of Benares, referred to in the Letter from the Resident above recorded.

**Arzee from Rajah Cheyt Sing: Received 21st August 1780.**

I have been honoured by your Orders, directing me to pay Five Lacks of Sicca Mayhadar Rupees to Mr. Fowke, for the War which still continues ; and although my distressed Situation must be known to you from other Quarters, notwithstanding I have been afraid to represent it to you myself, that I have sold my House, and borrowed Sums of Money, from which I am not yet released ; yet, in Obedience to your Orders, I have paid One Lack of Rupees out of the Five Lacks to Mr. Fowke, and shall pay the other Four in Three Months. I request you will send Directions to that Gentleman to allow me that Time, and it shall be punctually paid at the End of that Term. You yourself must be convinced that I have no Abilities or Resources left.

Ordered, That Mr. Fowke do inform the Rajah, that the Board are much displeased with these affected Delays, knowing his Ability to make the immediate Payment of the Subsidy ; and that he peremptorily require him to discharge it.

Ordered, That Mr. Fowke be desired to remit the Sum, when received, by Shroffs Bills if possible, or by any safe Mode of Remittance, to Major Camac, for the Expences of the Detachment under his Command ; and that Major Camac be advised accordingly.

The following Letter is accordingly written to Mr. Francis Fowke :

Sir,

We have received your Letters under Date the 21st July, 10th and 20th August, with the Bills and Accounts enclosed : We have also had before us the Rajah's Letter to the Governor General, to which you allude in your Address of the 10th ultimo.

We desire that you will inform the Rajah of Benares, that knowing his Ability to make quick Payment of the whole Amount of the Subsidy, we are much displeased with the groundless Pretences which he urges for delaying it ; and we direct, that on Receipt of this Letter you peremptorily demand his immediate Discharge of the Sum due from him on this Account ; which, when you have received it, we desire you will remit, either by Shroff Bills if possible, or by any other safe Mode, to Major Camac, for the Expences of the Troops under his Command.

We are, &c.

Fort William,  
7th September 1780.

Agreed, That we write the following Letter to Major Camac :

Sir,

The Rajah of Benares being indebted to the Company in the Sum of Four Lacks of Mutchiladar Rupees, we have sent Orders to our Resident at that Place to demand immediate Payment of it, and to remit the Amount, when received, to you, by Shroff Bills if possible, or by any other safe Mode, for the Purpose of defraying the Expences of the Troops under your Command : We desire, therefore, that on the Receipt of the Remittances made you by the Resident at Benares, you will appropriate them to the Service for which they are intended.

Having thought proper to add the Corps of Foreign Rangers now at Cawnpore to the Detachment under your Command, the Commander in Chief has been requested to issue the necessary Orders for carrying this Resolution into Effect.

Fort William,  
7th September 1780.

We are, &c.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, 9th October 1780.

Extract of Letter from the Resident at Benares, dated 27th September 1780.

I have received the Honour of your Letter of the 7th Instant, and have signified your Commands to the Rajah; he has promised to discharge the Balance of his Subsidy, being Rupees 2,53,000, in the Course of a few Days. I am treating with the Shroffs for a Remittance to Major Camac, and imagine I shall be able to effect it by Bills from them for the whole Amount.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, 26th October 1780.

The following Letter from the Resident at Benares having been circulated, was returned with the following Minute:

Honourable Sir, and Sirs,

I think it incumbent upon me to inform you, that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy specified in my Address of the 27th ultimo. He has resumed his Plea of Inability; and I can form no Opinion how long he may think proper to protract the Payment.

Benares,  
5th October 1780.

I remain,

Honourable Sir, and Sirs, &c.  
(Signed)

F. Fowke,  
Resident at Benares.

Governor General—Such an Instance of Contempt shewn by the Rajah of Benares to the Authority of this Government, at a Time in which his Fidelity and Gratitude for the many Obligations which he owes to it, ought to have prompted him to make a voluntary Tender of that Aid which he now refuses after repeated Promises to grant it, merits some Mark at least of the Resentment of the Board. For that Reason I must recommend that Mr. Fowke be directed to demand instant Payment of the Balance due of his Subsidy; and if he shall not have paid it at the Time of the Receipt of this Letter, to exact from him, in the Name of the Board, the further Sum of One Lack of Rupees, as a Fine for his past Disobedience. That to enforce this Order, Brigadier General Sibbert be directed to issue Orders to the Commanding Officers of the Battalions of the nearest Stations to Benares, to march immediately to that Place, and to wait such Orders as may be hereafter transmitted to them. In the mean Time, the Board may be informed of the Reception given by the Rajah to the present Order, and it is hoped that it may be such as shall render it unnecessary to proceed to Extremities against him.

(Signed)

Warren Hastings.

I acquiesce, though I hope the Threat will be sufficient.

Agreed.

(Signed)  
(Signed)

P. Francis.  
E. Wheler.

Agreed that the following Letter be written to the Resident at Benares.

Sir,

We have received your Letter of the 5th Instant, informing us that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy specified in your Address of the 27th ultimo; that he had resumed his Plea of Inability, and that you could form no Opinion how long he might think proper to protract the Payment.

This Conduct of the Rajah seems to us without Excuse; we direct therefore, that you demand instant Payment of the Balance due of his Subsidy, and if he shall not have discharged it at the Time of your Receipt of this Letter, that you exact from him, in the Name of the Board, the further Sum of One Lack of Rupees, as a Fine for his past Disobedience. To enforce the Compliance due to our Authority, and the Payment of the Sum required of him, we have given Orders that the Battalions at the Stations nearest to Benares should march immediately to that Place, and wait for such Directions as may hereafter be transmitted to the Officer commanding them.

Fort William,  
19th October 1780.

We are, &c.

Agreed,

Agreed, that the following Letter be written to Brigadier General Stibbert.

Sir,

Having had late Occasion to be much dissatisfied with the Conduct of the Rajah of Benares towards this Government, in withholding the Payment of the Amount due from him as his Subsidy, we think it necessary to direct, and do direct you to issue Orders to the Commanding Officers of the Battalions at the Stations nearest to Benares, to march immediately to that Place, and wait such further Orders as may hereafter be transmitted to them.

Fort William,  
19th October 1780.

We are, &c.

Read Letter as follows from Brigadier General Stibbert:

Gentlemen,

In consequence of your Letter to me of Yesterday's Date, I dispatched Orders by last Night's Post to Captain Moses Crawford, commanding the 35th Battalion of Sepoys at Dinapore, to march with his Corps immediately to Benares, leaving behind him Two Companies of Sepoys as a Guard to these Cantonments. At the same time I wrote to Captain Lucas, who commands the 36th Battalion of Sepoys, and whom I understand to be on Detachment from the 2d Brigade in the Gorrickpoor Districts, to proceed also without Delay to Benares; lest, however, this Officer should have joined the 2d Brigade by Order of Colonel Morgan, or other Authority, I have directed the Colonel in such Event to detach the First Battalion for Duty at his Station on the required Service. I shall also this Day send Orders to Lieutenant Colonel Tottingham, commanding at Chunar Gur, to detach immediately to Benares Five Companies of Sepoys from the Battalion at that Garrison.

The Officers commanded on this Service are, according to your Desire, instructed to remain at Benares until further Orders.

Fort William,  
20th October 1780.

I have the Honour, &c.  
(Signed) G. Stibbert.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 2d November 1780.

The following Letter from the Resident at Benares having been received since the last Meeting, Orders were immediately issued for countermanding the March of the Troops ordered to Benares:

Honourable Sir and Sirs,

The Rajah has this Day given me Bills of Exchange on Ghohud in Favour of Major Camac, for the Balance which remained due on Account of his Subsidy, being Benares Sicca Rupees 2,50,000.

I shall make a further Remittance to Major Camac in a few Days, of the whole Amount which I have received from the Rajah in ready Money on this Account.

Benares,  
18th October 1780.

I have the Honour, &c.  
(Signed) F. Fowke.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Secret Department, 2d November 1780.

Agreed that the Governor General be requested to write to the Rajah of Benares, requiring him to furnish such Part of the Cavalry entertained in his Service as he can spare for the Service of this Government, and to inform him what Number he can supply; that a Letter be written to Mr. Francis Fowke, directing him to make the same Requisition of the Rajah, and at the same Time, to obviate any Jealousy which the Rajah may conceive that this may be converted to a permanent Imposition upon him, that the Board will require the Services of these Forces no longer than while the present War lasts, after which they will be returned.

Agreed that the following Letter be written to the Resident at Benares:

Sir,

On the Receipt of the Intimation conveyed to us in your Letter of the 18th ultimo, Orders were issued to countermand the March of the Troops which were appointed to proceed to Benares in consequence of the Delays used by the Rajah in the Payment of his Subsidy.

Deeming it just and proper that the Rajah should be desired to afford every Assistance in his Power to this Government, to whose Protection and Support he owes all that he possesses, the Governor General has been requested to write to him, requiring him to furnish such Part of the Cavalry entertained in his Employ as he can spare for the Service of the Company; but as some Jealousy and Apprehension

Apprehension may arise in the Rajah's Mind, that this Aid may be converted to a permanent Imposition on him, we think it necessary that such Fears should be obviated, and direct you therefore to assure him, that we shall require the Services of this Force no longer than during the Continuance of the present War, after which it will certainly be returned.

We are, &c.

Fort William,  
2d November 1780.

To Rajah Cheyt Sing, 2d November 1780;

Requiring him to furnish such Part of the Cavalry entertained in his Service as he can spare for the Service of this Government, and to inform the Governor General what Number he can supply.

Extract of Secret Letter from Bengal, dated 29th November 1780.

Par. 36. We have thought it necessary to require from the Rajah of Benares the same Subsidy for the ensuing Year that he paid in the last, as his Proportion of his Expence of the War. He for some Time hesitated to comply with the Demand, and we were obliged to resolve on Measures of Compulsion; but he has since paid the Amount, and we have stopped the Execution of those Measures. The Support which he receives from this Government, to whom he owes all that he possesses; the known Affluence of his Circumstances, notwithstanding his Pretexs to the contrary; and the Interest which he possesses, in chief over all other Persons subject to us, in the Company's Prosperity and Success, have induced us to require of him the Assistance of such a Body of Cavalry as he can spare for the Company's Employ, under a Promise made to him, that their Services will not be required beyond the Continuance of the War. We have also strongly recommended to the Nabob Vizier to require from Fyzoola Cawn the Quota of Troops, consisting of 5,000 Horse, stipulated by Treaty to be furnished by the latter; and we do not doubt of his ready Obedience to the Requisition.

Extract of Letter from the Governor General and Council, in their Secret Department, dated 3d February 1781.

---Required from the Rajah of Benares the same Subsidy for the ensuing Year that he paid in the last; One Lack paid immediately, the remaining Four Lacks not paid until the 18th October.

The Assistance of a Body of Cavalry required from him, to be returned at the Conclusion of the War.

(C O P Y.)

Letter from Mr. Hastings, at Benares, to Mr. Wheler, at Fort William, of 18th August 1781.

The Honourable Edward Wheler, Esquire, &c. &c. &c. Fort William.

Sir,

I arrived at Benares on 14th Instant.—My Transactions with the Rajah being of a most important Nature to the present and future Interests of the Company, I have determined to inform you of them without Delay, in the Order in which they have occurred.

The First Step which I judged it necessary to take, as the Ground on which my future Proceedings with the Rajah were to be conducted, was to recapitulate in Writing the several Instances of his Conduct, which for some Time past have repeatedly drawn upon him the severe Reprehensions of the Board; and to demand a clear and satisfactory Explanation—This Paper I sent to the Rajah by the Hands of Mr. Markham, who was directed to require an immediate Answer.

In the Evening his Answer arrived. The following are Copies of both.

“ To Rajah Cheyt Sing.

“ It is about Sixteen Months since Lalah Sadanund, your Buxey and confidential Servant, came  
“ to Calcutta, charged with an express Commission and Authority to make Excuses for your past  
“ Conduct, and to give me Assurances, confirmed by Oath, of your future Submission to my  
“ Advice, and the Orders of my Government. As a Test of your Sincerity, I required your  
“ immediate and unreserved Acquiescence in the Demand, which at the same Time was made  
“ to



“ to you, in the Name of the Governor General and Council, of the Subsidy of Five Lacks  
“ of Rupees for the Expences of the War.

“ With this Demand you ostensibly complied, in your Answer to my Letter ; and the Buxey  
“ promised me verbally in your Name, and in Terms so strong as amounted to the fullest  
“ Assurance, that there should be no Delay in the Payment. Relying on this Agreement  
“ and Promise, I gave Orders to Mr. Fowke, who was then Resident at this Place, to receive  
“ the Money, and remit it to Colonel Camac for the Pay of the Army, which had been  
“ ordered to march towards the Province of Malva ; and I made no other Provision for it,  
“ such was my Confidence in your Faith : But you deceived me ; and, after having made the First  
“ Payment of a few Rupees, either consulting the Temper of the Times, or conforming to a  
“ premeditated Design, you by Shifts and Pretexts withheld the Remainder, until the Army,  
“ for whose Use it was intended, was reduced to the last State of Distress. Many Hundreds  
“ deserted ; and, had an Enemy at that Time appeared against them, their total Destruction had  
“ been inevitable.

“ In all this Time daily Applications were made to you by the Resident, and I wrote repeat-  
“ ed Letters to you ; but you paid no Regard to either.

“ Besides this, I required, in the Name of the Governor General and Council, by Letters,  
“ and ordered Mr. Fowke to repeat the Requisition in Person, that you should furnish a Body  
“ of Horse to assist and act with the Armies of the Company ; and when Mr. Markham suc-  
“ ceeded Mr. Fowke, I gave him Orders to repeat the Demand ; which he did accordingly,  
“ with frequent and almost daily Importunity, limiting the Number to 1,500, and afterwards to  
“ 1,000. To this Demand you returned evasive Answers ; nor to this Hour have you contri-  
“ buted a single Horseman.

“ I pass over other Instances of your Conduct, in which, through the Means of your secret  
“ Agents, you have endeavoured to excite Disorders in the Government on which you depend ;  
“ and your Neglect of the Duty which you owe to it, and to the Subjects of this Zemindary,  
“ by suffering the daily Perpetration of Robberies and Murders, even in the Streets of the City  
“ of Benares itself, to the great and public Scandal of the English Name, and in Violation of  
“ one of the Conditions on which you receive the Confirmation of this Zemindary. But, as the  
“ Two foregoing Instances amount to a direct Charge of Disaffection and Infidelity to the Go-  
“ vernment on which you depend, and happened at a Time in which it was your Duty most  
“ especially to have exerted yourself in the Support of its Interests, I have therefore judged it  
“ proper to state them to you thus fully in Writing, and to require your Answer to them. And  
“ this I expect immediately.”

#### A N S W E R.

“ I received your Letter delivered to me by Mr. Markham, and I have understood every Parti-  
“ cular of its Contents. Sir, after the Arrival of Sheik Ally Nucky, I observed all the Orders  
“ which you sent me ; and I received the Letter which the deceased Sheik brought me, informing  
“ me that every Suspicion was now compleatly removed from your Mind, and that I must consider  
“ you as formerly attentive to me. But I have not experienced from you the same Generosities as  
“ formerly. I sent you repeatedly Letters, representing to your Consideration my unhappy Cir-  
“ cumstances ; but you never honoured me with any Reply. For this Reason I sent my Buxey  
“ Sadantund to your Presence, enjoining him to represent to you the Firmness of my Obedience and  
“ Attachment ; to lay before you the Particulars of my Situation ; and to learn the Disposition of  
“ your Mind towards me. He arrived accordingly in your Presence, and represented every Thing  
“ in a proper Manner. I have never deviated in the smallest Degree from these Professions ; and  
“ the Benefactions and Civilities with which you have honoured me, have given me the greatest  
“ Satisfaction ; and I have considered you as the Source from which I derive the Fulfilment of all  
“ my Wishes and Desires. It is my firm Hope that I may be always favoured with your Direc-  
“ tions. In this Manner I complied, with the utmost Readiness, with the Order you sent me for  
“ the Payment of Five Lacks of Rupees on Account of the War :—I sent first One Lack of Rupees,  
“ with an Answer to your Letter ; afterwards, having paid to Mr. Fowke the Sum of One Lack  
“ and Seventy thousand Rupees, I sent a Letter requesting a further Allowance of Time to enable  
“ me to make some Preparations. To this I received no Reply—it being no Time to delay. Not-  
“ withstanding this, I was not a Moment inattentive to this Concern, and as soon as my Buxey  
“ arrived, I paid immediately the remaining Part of the Sum. The remitting of this to the Army  
“ did not depend upon me ; if any Delay happened on this Head I could not help it. If, besides  
“ the Payment of the Money, the Remittance of it also to the Army had rested with me, a Delay  
“ of this Kind should not have happened. I have enclosed in this Letter a Paper respecting the  
“ particular Sums which have been advanced, with their Dates.

“ With respect to the Horse, you desired me, in your Letter, to inform you of what Number I  
“ could afford to station with you. I sent you a particular Account of all that were in my Service,  
“ amounting to One thousand Three hundred Horse, of which several were stationed at distant  
“ Places ; but I received no Answer to this. Mr. Markham delivered me an Order to prepare a  
“ Thousand  
“ N  
“ Thousand

“ Thousand Horfe. In Compliance with your Wishes I collected Five hundred Horfe, and a Sub-  
 “ stitute for the Remainder, Five hundred Burkundaffes, of which I sent you Information; and I  
 “ told Mr. Markham that they were ready to go to whatever Place they should be sent. No  
 “ Answer, however, came from you on this Head, and I remained astonished at the Cause of it.  
 “ Repeatedly I asked Mr. Markham about an Answer to my Letter about the Horfe; but he told  
 “ me, that he did not know the Reason of no Answer having been sent. I remained astonished.—  
 “ With respect to the Sepoys, I received first an Order to station Two of my Companies, which I  
 “ did. I was then desired to give a Tunkhaw for the Payment of the Sepoys, and likewise to pay  
 “ the Captain; which has been done every Month.

“ Excepting Abdullah Beg, who remains with you, and his Attendants, none of my People,  
 “ either Dependents or Servants, or others in any Shape connected with me, have ever gone to  
 “ Calcutta. My Enemies, with a View to my Ruin, have made false Representations to you.  
 “ Now that, happily for me, you have yourself arrived at this Place, you will be able to ascertain  
 “ all the Circumstances relative to the Horfe, to my People going to Calcutta, and the Dates of  
 “ the Receipts of the particular Sums abovementioned; you will then know whether I have  
 “ amused you with a false Representation, or made a just Report to you.

“ I have given my Aumils most particular Injunctions, and have taken a Penalty Bond from  
 “ them, that they shall keep no Thieves in their Districts. What Power have they to act other-  
 “ wise? But if ever a Robbery or Murder is committed in the Country, I have been careful to im-  
 “ pale or otherwise punish the Culprit. If a Person having committed a Delinquency should  
 “ escape to some other Place so as to elude all Discovery, in that case I am helpless; but to the  
 “ utmost of my Power I endeavour to fulfil your Orders. I have never swerved in the smallest  
 “ Degree from my Duty to you. It remains for you to decide on all these Matters. I am in  
 “ every Case your Slave. What was just I have represented to you. May your Prosperity  
 “ encrease!

“ Account of Five Lacks of Rupees advanced for the Expence of the War.

“ 1st Shabaun	—	—	—	—	100,000
“ 29th Ramzaan	—	—	—	—	170,000
“ 7th Showal	—	—	—	—	130,000
“ 18th Showal	—	—	—	—	100,000
					500,000 “

This Answer you will perceive to be not only unsatisfactory in Substance, but offensive in Style, and less a Vindication of himself than a Recrimination upon. It expresses no Concern for the Causes of Complaint contained in my Letter, or Desire to atone for them, nor the smallest Intention to pursue a different Line of Conduct. An Answer couched nearly in Terms of Defiance, to Requisitions of so serious a Nature, I could not but consider as a strong Indication of that Spirit of Independency which the Rajah has for some Years past assumed, and of which indeed I had early observed other manifest Symptoms, both before and from the Instant of my Arrival here.

Under these alarming Appearances of the Rajah's Conduct and Disposition, I conceived myself indispensably obliged to form some immediate and decisive Plan for obviating their Consequence, and for the Preservation of the Company's Rights and Interests in this Zemindary. To have left him in the full Exercise of Powers, which he had notoriously abused, and which it was to be apprehended he would employ to the most dangerous Purposes, was totally inconsistent with the Maxims of Justice and Prudence. To divest him entirely of the Zemindary, though justifiable on the Grounds stated above, would be attended with an Appearance of Severity, and might have furnished Grounds for Constructions unfavourable to the Credit of our Government, and to my own Reputation, from the natural Influence which every Act of Rigour, exercised in the Persons of Men who stand in elevated Stations, is apt to impress on the Minds of those who are too remote from the Scene of Action to judge, by any Evidence but of the direct Facts themselves, of their Motives or Propriety.

Thus circumstanced, and attentive to these opposite Considerations, I laid down the following Plan for my future Proceedings.

I first directed the Resident to repair to the Rajah, who resided at his House, situated on this Side of the River, at the Distance of about Two Miles; and gave him the following Instructions:

“ Benares, 15th August 1781, 10 at Night.

“ To Mr. William Markham, Resident at Benares.

“ Sir,

“ It is my Order, that you proceed early To-morrow Morning to the House of Rajah Cheyt-  
 “ Sing, with your usual Guard, and put him in Arrest. You will require his immediate Submission,  
 “ informing

“ informing him, that you act under Orders given you by me ; and in case of his Refusal, you will wait the Arrival of Two Companies of Sepoys Belonging to Major Popham's Detachment, who are directed to follow and assist you in the Execution of this Service. Having secured the Rajah, you will keep him in your Custody until further Orders.

“ I am,

“ Sir,

“ Your most obedient Servant,

(Signed) “ Warren Hastings.”

On the next Morning Mr. Markham went, according to his foregoing Instructions, and was followed by Two Companies of Grenadier Sepoys belonging to Major Popham's Detachment. The Rajah quietly submitted to the Arrest ; and Mr. Markham returned to me with the following Letter from the Rajah, leaving him under the Charge of Lieutenants Stalker, Scott, and Simes. For the Particulars which passed at this Interview, I refer you to the following Report, which Mr. Markham delivered to me on his Return.

#### Letter from the Rajah.

“ At this Time Mr. William Markham being come to me, has informed me that your Highness's Orders are, that I should remain under a Guard. My Protector, I before represented to you, on board your Pinnace, that I was the Servant of the Honourable Sirkar, and was ready from my Heart and Soul. Whatever may be your Pleasure, do it with your own Hands. I am your Slave ; what Occasion can there be for this Guard ?”

“ Benares, 16th August 1781.

“ To the Honourable Warren Hastings, Esquire, Governor General, &c. &c. &c.

“ Honourable Sir,

“ I this Morning, in Obedience to your Orders of last Night, proceeded with a few of my Orderlys, accompanied by Lieutenant Stalker, to Shewvallah Gaut, the present Residence of Rajah Cheyt Sing, and acquainted him, it was your Pleasure he should consider himself in Arrest ; that he should order his People to behave in a quiet and orderly Manner, for that any Attempt to rescue him would be attended with his own Destruction. The Rajah submitted quietly to the Arrest ; and assured me, that whatever were your Orders, he was ready implicitly to obey : He hoped that you would allow him a Subsistence ; but as for his Zemindary, his Forts, and Treasure, he was ready to lay them at your Feet, and his Life, if required. He expressed himself much hurt at the Ignominy, which he affirmed must be the Consequence of his Confinement, and intreated me to return to you with the foregoing Submission, hoping that you would make Allowances for his Youth and Inexperience, and, in Consideration of his Father's Name, release him from his Confinement as soon as he should prove the Sincerity of his Offers, and himself deserving of your Compassion and Forgiveness.

“ Near a Quarter of an Hour after this Conversation, Lieutenant Scott arrived with the Two Grenadier Companies of Major Popham's Regiment, to whose and Lieutenant Stalker's Care I left the Rajah, having given them the following Instructions—That they should disarm every Servant of the Rajah's ;—that they should allow him any such Eight or Ten Kissinutgars, for the Attendance of his Person, as he should approve of ;—that these Men should be shown to the Sepoys, lest any Deceit should be practised ; but that they might indulge him in any Request consistent with the Security of his Person.

“ I am now returned to acquaint you with my Proceedings, and to receive any further Instructions, if you think it necessary.

“ I have the Honour to be,

“ Honourable Sir,

“ Your most obedient humble Servant,

“ William Markham.”

As the Rajah in the above Letter had desired that Mr. Markham might be sent back to him, I was preparing Instructions for that Purpose, when I received another Letter from the Rajah, of which the following is a Translation :

#### Letter from the Rajah.

“ I am the Servant of the Sirkar, and am ready from my Heart and Soul in the Performance of your Orders.—My Honour was bestowed on me by your Highness ; it depends on you alone to take away, or not take away, the Country out of my Hands. In case my Honour is not left me,  
“ how

“ how shall I be equal to the Business of the Sirkar ? Whoever, with his Hands in a supplicating Posture, is ready with his Life and Property, what Necessity can there be for him to be dealt with in this Way ? ”

From the apparent Despondency in which these Letters were written, I thought it necessary to give the Rajah some Encouragement ; and accordingly wrote him the following Answer :

#### Letter to the Rajah.

“ I have received your Two Arzies by the Hands of Mr. Markham, and understand their Contents.—That Gentleman will wait upon you in the Afternoon, and explain all Particulars to you. —Set your Mind at Rest, and do not conceive any Terror or Apprehension.”

To this I received the following Reply :

#### Letter from the Rajah.

“ Your gracious Letter has been received, and has made me acquainted with your Commands. You order that Mr. William Markham will come to me ; that I must not suffer any Apprehension to distress me, but remain at Ease in my Mind.—My Protector, wherever you spread your Shadow over my Head, I am entirely free from Concern and Apprehension ; and whatever you, who are my Master, shall as such determine, will be right.”

At this Time I had prepared Mr. Markham's Second Instructions ; but before he could set out with them, Intelligence came that large Bodies of armed Men had crossed the River from Ramnagar, and had proceeded to the Rajah's House. What follows is a Scene of such Horror, that it is with the greatest Reluctance I submit to the painful Duty of relating it : The Guard placed over the Rajah consisted of the Two Companies of Grenadier Sepoys, as above-mentioned, from Major Popham's Detachment, and commanded by the Officers already named, who were stationed in an inclosed Square, which surrounded the Apartment where the Rajah was. The Resident's Guard had returned with him. It now appeared that these Troops had taken no Ammunition with them : Major Popham sent another Company of Sepoys, under an Officer, with Ammunition, to reinforce and support the First Party. When the latter arrived at the Rajah's House, they found it surrounded, and all the Avenues blockaded by a Multitude of armed Men, who opposed their Passage. The Minds of this tumultuous Assembly becoming soon inflamed, some of them began to fire upon the Sepoys within the Square ; and immediately, as if this had been the concerted Signal, the whole Multitude rushed in, and made an instantaneous and fierce Attack upon the Sepoys, who, wanting their accustomed Means of Defence, were capable of making but a feeble Resistance, and fell an easy Sacrifice to the superior Numbers of the Assailants, who cut almost every Man of this unfortunate Party to Pieces. The Officers, it is supposed, were the First Victims to their Fury ; but not until they had, by astonishing Efforts of Bravery, and undismayed amidst the imminent Danger which surrounded them, involved a much superior Number of their Enemies in their Fate : In this general Report of them all Accounts concur, though varying in Circumstances : I yield to my own Feelings in bestowing this just, but unavailing Tribute, to these unhappy Gentlemen. In the Midst of this Confusion, the Rajah found Means to escape through a Wicket which opened to the River ; and the Banks being exceedingly steep in that Place, he let himself down by Turbans tied together, into a Boat which was waiting for him, and conveyed him to the opposite Shore : Those who had effected his Escape, followed him across the River, in the same tumultuous Manner in which they had assembled, leaving the Party of our Sepoys which had last arrived, in the Possession of the House.

On the first Intelligence of this Commotion, I had directed Major Popham to repair immediately to his Camp, which was about Two Miles from the Resident's, and at the same Distance from the Rajah's House ; and to march instantly with the Remainder of his Detachment to the Support of the Party. This Order was executed with all possible Expedition ; but Major Popham arrived too late, and had the Mortification to be a Spectator of the Effects of a Massacre which he could neither prevent nor revenge—He returned to me immediately, and made the following Report :

#### Report of Major Popham.

“ Consequent to an Order for the Detachment under my Command to proceed to the Support of the Grenadier Companies under Lieutenant Stalker, I carried it with as much Expedition as possible to Adjet Sing's Palace, which I found to be entirely evacuated by the Rajah's People, who were already landed on the opposite Side of the River.

“ Of the Two Companies commanded by Lieutenant Stalker very few remained alive, and the Majority of those appeared to be severely wounded. The Bodies of Lieutenants Stalker, Scott, “ and

" and Simes, were lying within a small Distance of each other, shockingly mangled, and without any Signs of Life.

" It may be necessary to observe, that Lieutenant Burrell was dispatched with One Company of Sepoys, upon the first Rumour of the Rajah's coercive Intentions, but the Fate of the Companies which preceded him was decided prior to his being able to enter the Palace. There were, however, some of the Rajah's People whom he effectually cleared it of. In his Attack he met with some Loss.

" My utmost Endeavours have hitherto proved insufficient to procure an exact Detail of the Killed and Wounded in this unfortunate Transaction.

" I thought it necessary to leave a Company with a Subaltern in the Palace.

" Benares,

" 16th August 1781

" William Popham,

" Major."

I cannot learn with Certainty what is become of the Rajah, but the prevailing Report is, that he fled from Ramnagur, his usual Residence on the other Side of the River, in the Middle of the Night, and proceeded with his Zenana and Effects to Lutteesgur, a strong Fort of his, situated about Ten Miles from Chunar. He was accompanied by Sujah Sing his Brother, and Munyar Sing a Relation and Son by Adoption of Rajah Bulwant Sing. He has also had the Precaution to take with him Rana Golabkoover the Widow of Rajah Bulwant Sing his Father, her Son-in-Law Durbijey Sing, and his Two Sons her Grandsons.

In them he possesses every Member of his Family who can have any Plea to dispute with him the Right of Inheritance from his Father Rajah Bulwant Sing, if that were ever a Question. His Right to the Zemindary being derived exclusively from Sunnuds which his Father never possessed, but which were first granted to Cheyt Sing by the late Vizier Sujah ul Dowla, through the Influence of our Government, in the Year 1773, and since repeated by similar Grants from our Government, when the Sovereignty was ceded to the Company by the present Nabob Asoph ul Dowla.

I have made Choice of Baboo Posaun Sing, who held the Office of Dewan during several Years of the Life of Rajah Bulwant Sing, for a considerable Period since the Accession of the present Rajah, to administer the Revenues and Government of this Country, in the Quality of Naib, until it can be determined to whom the Zemindary may legally belong, and who may be in a Capacity to receive it.

To this Effect I have caused a Proclamation to be made through the City of Benares, and have notified it by circular Perwannahs to all the Zemindars and Aumils of the Zemindary.

To enforce the Execution of these Acts, to maintain Tranquillity and Order in the Country, and protect the Inhabitants, I have ordered One Battalion of Sepoys from Chunar, the Remainder of Major Popham's Detachment from Mirzapoor, and a Regiment of Sepoys from Dinapoor, to march immediately to Benares.

The Detail of these Proceedings shall be transmitted to you in a subsequent Letter. I do not expect they will detain me here much beyond the Time I had prescribed to myself, which was about Seven or Eight Days.

I have the Honour to be, with the greatest Esteem,

Benares,  
17th August 1781.

Sir,  
Your most obedient humble Servant,  
(Signed) Warren Hastings.

P. S. The Delay occasioned in copying this Letter, from its great Length, has afforded me an Opportunity of contradicting the latter Part of it, and I have now the Satisfaction to add, that Ranny Golabkoover, together with her Son-in-law Durbeje Sing, and his Two Sons, are safe at Benares.

I have this Morning received a Visit from Durbeje Sing, and his eldest Son Myep Narain.

(Signed) W. H.

Benares,  
the 18th August 1781.

A true Copy,  
J. P. Auriol,  
Sec<sup>y</sup>.



Letter from the Governor General, at Bēnāres, dated 29th September 1781, to Mr. Wheeler.

To Edward Wheeler, Esquire.

Sir,

I have had the Honour to inform you in various and successive Letters of my Transactions, and of the Occurrences which have befallen me since my Departure from Calcutta, and especially since my Arrival at this Place on the 14th of last Month. It is my Intention to employ the first Hours of my Leisure in drawing up a detailed Narrative of the latter for your Information; in the mean Time I shall continue to advise you, from Time to Time, of such Circumstances of Moment as occur in the Course of daily Business, both for your Information, and for the Means of obtaining your Sentiments upon them for my Assistance and Guidance. I deem it a Misfortune, that not one of your Letters, written with the Knowledge of the late Troubles, have reached me, and I much fear that many of mine may have miscarried; for which Reason, I shall cause to be transcribed Copies of all written since the 16th of last Month, and shall transmit them to you.

Lest my Letters, advising you of our late Successes, should have been intercepted, I think it proper to repeat in this the Substance of them.

The Arrival of the Detachment from Caunpore, under Major Crabb, of the 10th Instant, and of Major Roberts on the 13th, enabled Major Popham to take the Field with a considerable Force.

It was publicly expected that his first Attempt would be made upon Ramnagur; but such Information having been given of the State of the Two Fortresses of Lutteespoor and Pateeta, as seemed to promise the certain and immediate Reduction of those Places; he accordingly formed his Army into Two Detachments, one commanded by Major Crabb, consisting of the First Battalion of the Sixth Regiment, the Seventh Regiment, the Battalion of the Nabob's Body Guard, commanded by Lieutenant Polhill, with Six 6 Pounders, and One 5½ Inch Howitzer; and the other under his own Command, consisting of the Nineteenth, Thirtieth, and Thirty-fifth Regiments, Two Companies of European Infantry, the Corps of Rangers, and about Thirty Artillery, with Six 6 Pounders, Two 8½ Inch Howitzers, and an 8 Inch Mortar. The First Detachment marched on the Night of the 15th, by a large Circuit, through almost impracticable Ways: But the Spirit of the Officers and Men surmounted every Difficulty. In Places where the Guns could not be drawn by Bullocks, the Sepoys lifted them up the Rocks; and at length, on the Morning of the 20th, they arrived at the Heights lying behind and above the Fort of Lutteespoor, at a Place called Lora, which commands a Pass descending to Lutteespoor, and reputed inaccessible against Opposition, but from above. The profound Secrecy with which this Expedition was undertaken, and to which the Security of the Enemy, in a Region so unfrequented, not a little contributed, prevented any Opposition to our Troops in the different Parts of their Route. Their first Movement only, but neither their Strength nor Destination was known till their very near Approach.

At Lora they met a Body of 2,000 of the Enemy, which they defeated and dispersed with little Loss on our Side, but on theirs of 200 Men killed on the Spot.—The next Morning they took Possession of the Pass, and of the Fort of Lutteespoor, which they found evacuated.

In the mean Time Major Popham marched with his Part of the Forces on the Morning of the 16th to Pateeta, a Place in Consideration in itself, being a fortified Stone House within a very high Rampart, and a Ditch of great Depth, and the Town which is of great Extent surrounded by Intrenchments.—These being all obscured from Observation by Trees and thick Bushes, he judged it not advisable to attempt an immediate Assault upon the Place, which fortunately proved the Cause of a concurrent Success in both Enterprizes, almost in the same Instant of Time; for in the Morning of the 20th he stormed and took Pateeta, at the same Time defeated and dispersing Two Bodies of the Enemy that made an Attempt on his Camp. And on the same Day, and on the same Hour, Major Crabb fought and gained the Battle of Lora, which was the immediate and eventual Cause of the Capture of Lutteespoor.

The News of these combined Successes alarmed the Rajah to such a Degree, that he instantly fled by a distant Route over the Hills from Lutteespoor, which till that Time had been his capital Residence, regaining the Road of Bidjeygur, the only direct Way to it being through the Pass abovementioned.

The Consternation of his Followers was so great, and its Contagion so rapid, that in a few Hours the Fort or Palace of Ramnagur, and the Fortress of Sutteesgur, were wholly abandoned and evacuated.

Major Balfour marched on the 22d, and took Possession of Ramnagur.

On the Morning of the 25th I parted from the Nabob, who set out on that Afternoon on his Return to his Capital. It is but Justice to the Nabob to declare, that on the first Intelligence of these Troubles, notwithstanding my repeated and pressing Injunctions to return to Lucnow, he prosecuted his March to Benares, with only a few Companies of Sepoys and 100 Horse at that Time attending him, and has in every other Instance given the strongest Proofs of his Fidelity and Attachment. In the Evening I departed from Chunar, and on the next Morning arrived at Ramnagur.



Ramnagur. My Stay there being unnecessary, and it having been represented to me that my Presence at Benares would be a Means of quieting the Minds of its Inhabitants, I accordingly returned hither Yesterday Morning, and had the Happiness to find the City restored to a State of perfect Order and Tranquillity.

I have issued Proclamations offering Pardon to all who shall quietly return to their Obedience, excepting the Persons of Cheyt Sing and his Brother Sujan Sing, whom their late rebellious Conduct and their Rancour manifested to our Nation, in the deliberate Murder of many of our Soldiers, and even unarmed Passengers who had the Misfortune to fall into their Hands, have precluded from every Title to Lenity.

The Persons standing next in the Line of Inheritance of the Zemindary, were Ranny Goolaub Koower the Widow of Rajah Bulwant Sing, their Daughter married to Bauboo Durbijey Sing, and Bauboo Meyipnarain their Grandson by the Two latter. By the Concurrence of the Two First Parties, and in Consequence of a written Acknowledgment made by the Ranny of the Right of her Grandson Meyipnarain, I have nominated him to the Succession of the Rauge, and have appointed the Morning of To-morrow for his Investiture.

I have forborne any particular Comments in this Place, reserving them; where they will be more properly introduced, for my more detailed Narrative. Yet I cannot suppress, without a Violence to my own Feelings, the Testimony which is due especially from me to the unexampled Zeal and public Spirit of all our Officers, and the wonderful Activity with which their Qualities were displayed on the late Occasion. I have already acknowledged the early Exertions which were made by Colonel Blair during my former short and calamitous Residence at Benares. Of Major Popham I cannot say sufficient to express my Sense of his Services. Though my Letters were every where intercepted, Colonel Morgan, with a Decision and Solitude that reflect equal Credit upon his Character, detached Major Crabb, with his Party, to my Assistance: On the first and instant Rumour of my Situation, Colonel Sir John Cumming, with the like Alacrity, obeyed the Orders of his March to Cawnpore; as did Colonel Ahmuty in the immediate Dispatch of Major Crawford, and the Troop of Cavalry. The same Spirit animated every Officer of every Corps, and infused itself into the Men under their Command, with an Effect so far exceeding the common Occurrences of human Affairs, that in the complete Space of One Month, this great and valuable Province, which had been unexpectedly and wholly lost; was in Substance wholly recovered to the British Empire.

Benares,  
29th September 1781.

I have the Honour to be,  
Your most obedient  
humble Servant,  
(Signed) Warren Hastings.

A true Copy,  
J. P. Auriol;  
Secretary.

Your Committee must here remark, that the Resolution to make a formal Demand on Rajah Cheyt Sing, to raise and maintain Three Battalions of Sepoys during the present War, was made on the Ninth of July 1778; and that on the Seventeenth of August following, the Governor General and Council resolve, That the Sum of Five Lacks of Muckledar Rupees be fixed as the Subsidy to be paid by Rajah Cheyt Sing, for the Maintenance of those Three Battalions of Sepoys; and on the same Day the Governor General and Council advise the Court of Directors of this Resolution: But Your Committee do not find that the Court of Directors sent any Orders whatsoever to Bengal, relative to this important Subject.



# SUPPLEMENT

TO THE

## SECOND REPORT

FROM THE

### SELECT COMMITTEE,

APPOINTED TO TAKE INTO CONSIDERATION

THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF

*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXIII.



---

---

# S U P P L E M E N T

TO THE

## SECOND REPORT

FROM THE

### S E L E C T C O M M I T T E E,

Appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted.

---

**Y**OUR Committee, in the last Session of Parliament, presented their Second Report to the House: This Report contained the Origin of the Connection between the Representatives of the English Company and Bulwant Sing, Rajah of Benares; and was continued to that Period when Cheyt Sing, the Son and Successor of Bulwant Sing, was first arrested by Order of the Governor General, and afterwards deprived of all Rank, Power, and Command in that Zemindary which was the Inheritance of his Ancestors.

This Report was a mere Statement of historical Facts, but without any Observations from Your Committee; for, although the Governor General's Proceedings against the Rajah of Benares appeared to be such as carried with them their own Condemnation, yet Your Committee declined making any Comments upon it, until they had received those which the Governor General had promised to send to the East India Company: They are contained in the Governor General's Narrative and Appendix thereto, in the Appendix, N<sup>o</sup> 1, hereunto annexed.

Vide Gov<sup>r</sup>  
Letter of 29<sup>th</sup>  
from Benares  
port, P. 54.

Your

Appendix, N<sup>o</sup> 1.  
Gov<sup>r</sup>. General's Nar-  
rative.

Your Committee have perused this Narrative with great Attention; but the first Impression which Your Committee had conceived of Cheyt Sing's Arrest and subsequent Deposition, is now strengthened and confirmed by the Governor General's own Representation of the Case.

In order to convey some general Knowledge of the Subject, Your Committee will make a few Observations on some Points mentioned by the Governor General in his Narrative, before they proceed to examine more particularly into those Measures which he has thought proper to pursue against Cheyt Sing.

Vide App. N<sup>o</sup> 1, H.  
Narrative.

Vide Page 10,  
2d Report.

Vide Page 11,  
2d Report.

Gen. Lett. from Bengal,  
31 Oct. 1770.

Appendix, N<sup>o</sup> 2.  
Bengal Conf. 20 Feb.  
and 13 Apr. 1772.

Vide App. N<sup>o</sup> 1,  
Narrative I.

The Governor General states, "that Bulwant Sing derived the Degree of Independency which he possessed during the latter Period of his Life, from the Protection or Intervention of our Government." This appears to be a Fact; he was protected by an Article of the Treaty made by Lord Clive with the Vizier in 1765; and those who succeeded Lord Clive in that Government, until the Death of Bulwant Sing, paying a due Regard to the Faith of Treaties, protected him against all the Intrigues of the Vizier; and carried their Attachment so far, as to make it a Point to obtain the Succession for his Son. This last Event happened more than Twelve Months before Mr. Hastings succeeded to the Office of President and Governor of Bengal; yet Your Committee observe, the Governor General asserts in his Narrative, "that Cheyt Sing obtained from our Influence, exerted by myself, the first legal Title that his Family ever possessed of Property in the Land, of which he till then was only the Ameer, and of which he became the acknowledged Zemindar by a Sunnud granted to him by the Nabob Sujah Dowlah, at my Instance, in the Month of September 1773."

Vide Page 10, of the  
2d Report.  
Lett. from Bengal, 17  
Sept. 1770, to Directors.

Your Committee will endeavour to state this Point to the House with Precision:—In the Second Report from this Committee, several Letters are entered from John Cartier, Esquire, the President, and the Council of Bengal; from which it appears, that Bulwant Sing died 23d August 1770; that the President and Council expressed in a former Letter their Sentiments of the Consequence it was to their Affairs to have the Succession to the Zemindary of Benares continue in the Family, but that it was a delicate Point to accomplish with the Vizier—"the Time has been, when this might have been made a Demand, but Circumstances are now much changed, and even Address is necessary to solicit; had Bulwant Sing expressed a Wish to secure the Zemindary in his own Family, at a Time when the Vizier was receiving back the Country from our Hands, a Doubt can scarcely be formed but it would have been attended with Success."

Vide 2d Report,  
Page 11.  
1 Oct. 1770 Lett. from  
Bengal to Directors.

"In our Letter of the 11th ultimo, we informed you of the Death of the Rajah Bulwant Sing, and of the Measures we were taking with the Nabob Shuja ul Dowlah, to induce him to settle the Succession of the Zemindary of Benares on the late Rajah's Son.—The Demands made by the Nabob's Agent were 20 Lacks of Rupees as a Nazerannah, and Five Lacks per Annum as an Addition to the Sums stipulated by the Treaty of 1765; the Terms were, however, finally concluded on the 8th Instant, when the Nazerannah was settled at 17 Lacks, and the required Increase was reduced to 2½ Lacks of Rupees; permit us, Honourable Sirs, to congratulate you on so very happy a Conclusion of an Event we deem highly important to your Interest."

"The Vizier's Readiness in complying with this our earnest Recommendation and Request, has afforded us the greatest Satisfaction, and is a Circumstance the more pleasing, as it must give Strength to the Opinions of the several Powers in Hindostan, of the strict Friendship subsisting between the English and him; and his having considered Captain Harper as a necessary Witness to the Negotiation carrying on between his Agent Allage Cawn and the young Rajah Cheyt Sing, will serve as a Proof to the World, that he meant not to take any Measure therein that might give the least Cause for Suspicion on our Part."

Vide 2d Report,  
Page 11.  
31 Dec. 1770, to  
Directors.

"The President was requested to acquaint the Vizier with the proper Sense we entertain of the Attention he has paid to our Recommendation, and that we consider it as an additional Proof of his Friendship."

"With respect to the Son and Successor of Bulwant Sing, the Vizier has, as we before informed you, acted agreeably to our Desire. Cheyt Sing is now fully invested with the Government, to the entire Satisfaction of every one, and is considered by the Vizier as holding that Country on the same Terms as his Father, the Difference in the Revenues excepted. The Whole are settled at Benares Rupees 22,48,499, which are 2,50,000 more than were paid by his Father. The Vizier expressed a Desire of seeing the young Rajah at the Marriage of his eldest Son Mirza Amany. The Rajah, sensible how much this Mark of Respect was due from him, at that Time promised to attend; but at length excused himself, perhaps by the Advice of his Father's Counsellors, who had kept alive the Family Enmity."

Vide 2d Report,  
Page 11.

The President and Council of Fort William in Bengal, in their Instructions to Governor Hastings of the 23d of June 1773, thus say:

"We empower you to renew, in Behalf of Rajah Cheyt Sing, the Stipulation which was formerly made with the Vizier in Favour of his Father Rajah Bulwant Sing, in Consideration of his Services to the Company in the Year 1764."

And the Letter of Mr. Hastings and his Council to the Court of Directors, of the 10th of October 1773, places this Point of the Zemindary beyond the Possibility of a Doubt; they write, "We have obtained from the Vizier the Renewal of the Sunnuds in Favour of Rajah Cheyt Sing and his Posterity, on the same Footing as it was granted to his Father Bulwant Sing, excepting only the Increase of 2½ Lacks to his Annual Tribute, which the Rajah had agreed to at his Succession in 1770."



This is still more confirmed in the President's Report of 4th October 1773; wherein he states as follows :

" N° 3 is a Persian Copy of a Cowlname or Engagement, which I obtained from the Vizier, *confirming to Rajah Cheyt Sing and his Posterity, the Stipulations formerly made in Behalf of his Father Rajah Bulwant Sing.*

Vide 2d Report,  
Page 12.

" The Cowlname was executed in my Presence, and attested by me. The Vizier desired, that the Stipulations made in Favour of the Rajah might be executed in this Mode, rather than by an Article in the Treaty; and it was equally satisfactory to the Rajah. I must remark, *that he had already given the Rajah a Cowlname of this Tenor soon after the Death of Bulwant Sing, through the Solicitation of Captain Harper, by the Order of the Select Committee; he could, therefore, have no reasonable Plea to refuse the Confirmation of it.*"

In 1770.

In another Part of the same Report, when the Vizier Sujah Dowlah wished to take from Cheyt Sing Ten Lacks more than the Sums stipulated, and he argued, that the Treaty of Allahabad related to Bulwant Sing solely, and was never meant to extend to his Posterity, the President declares, " That the Vizier himself had before put it out of all Dispute by the solemn Act passed in the Rajah's Favour on his Succession to the Zemindary."

Your Committee must here observe, That Rajah Cheyt Sing had been in the uninterrupted Possession of his Zemindary for near Three Years before Mr. Hastings had his Interview with the Vizier Sujah Dowlah at Benares, in 1773. That the Terms of the Grant had been fully complied with by both Parties; and Your Committee conceive, that Cheyt Sing, by virtue of that Grant, and under the Protection of the English, might have remained in the uninterrupted Possession of it during the Life of the Vizier Sujah Dowlah, even if the Governor and Council had not then thought a Confirmation of a Grant obtained by Captain Harper, under the Orders of a former Administration, to be a necessary Measure; for it must be remembered, that this Grant, so to be confirmed, was considered as an Act so solemn as to bind all Parties, and which had then existed for Three Years in its full Force, and without any Deviation whatsoever.

Appendix, N° 3.  
Capt. Harper's Correspondence.

From this Evidence, Your Committee do not find the Governor General well-founded in his Assertion, *that it was from his Influence* that Cheyt Sing obtained the first legal Title that his Family ever possessed of Property in the Land, of which he till then was only the Aumil, and of which he became the authorized Zemindar, by a Sunnud granted to him by the Nabob Sujah Dowlah, at my Instance, in the Month of September 1773. On the contrary, the Letters of the President Cartier and his Council, to the Directors; the Orders Mr. Hastings received from the Council, and their Letter to the Directors, which mention nothing more being obtained than a Renewal of the Sunnuds which had already been granted to Cheyt Sing; and his own Report to the Council, where he declares, that the Vizier had already given to the Rajah a Cowlname of this Tenor through the Solicitation of Captain Harper, and that the Vizier himself had before put it (the Succession) out of all Dispute, by the solemn Act passed in the Rajah's Favour on his Succession to the Zemindary; together with the Fact of an Investiture publicly performed by the proper Officer deputed by the Vizier for that Purpose, and the Evidence of Colonel \* Harper, who was present at that Ceremony; form a Mass of incontestible Proof, that Rajah Cheyt Sing had actually enjoyed all the Rights of a Zemindar Three Years before that Period in which Mr. Hastings obtained only the Confirmation of those Rights for him.

Vide 2d Report as  
above.

Vide Appendix,  
N° 3.  
Capt. Harper's Letter,  
dated 11 Oct. 1770.  
\* Appendix, N° 4.  
Col. Harper's Evidence.

Your Committee entered into this Investigation only to examine the Governor General's Assertion, which Assertion appeared quite contradictory to the Matter contained in their former Reports; not that they conceive it should either increase or diminish the actual Rights of the Company, or that it is a fit Subject of Discussion, whether Rajah Cheyt Sing, who was a Tributary to the Company, was more or less bound to perform the Duties actually incumbent on him as a Tributary, because he succeeded to his Zemindary under this or that particular Governor.

Your Committee cannot avoid remarking, that the Governor General, when he drew up a Narrative for the Justification of his Conduct, places the Dependence of Cheyt Sing upon the Company in a very opposite Point of View to that in which he had been accustomed to regard that Rajah, and in a very opposite Point of View to that in which he had declared he was regarded by the Company and the successive Members of the late Councils, previous to the Establishment of the Governor General and Council.

31st Dec. 1781.  
Vide Narrative K.

Your Committee observe, that the Governor General considered Rajah Cheyt Sing " as culpable in a very high Degree towards the State; and his Punishment, of which he had given him frequent Warnings, if he did not amend his Conduct, as an Example which Justice and Policy required equally for the Reparation of the Wrongs which its Dignity had sustained, and for the future Preservation of its Authority:" And

The Governor General declares, " That he was determined to make the Rajah pay largely for his Pardon, or to exact a severe Vengeance for his past Delinquency."

D° L.

Your Committee, with a View to enable the House to form a just Judgment upon this Subject, have thought it necessary to examine into the actual State of the Facts whereon these Accusations of Delinquency are founded. They will proceed to state the direct Charges made by the Governor General in his own Words; they will also examine whether those Charges are well-founded; and then submit to the Consideration of the House, how far such Charges, even had they been proved

true in the utmost Extent, can, or ought to be considered as a Justification of the Governor General's Conduct.

The first Charge consists in the Delay of the Payment of the extraordinary Aid of 5,00,000 Rupees demanded of him in the Year 1780.

Narrative E.

The Governor General states, " It is sufficient to say, that the Demand was made, and the whole Payment *consequently* due, in July: That it was not until the Month of October, nor until the same Constraint was practised to compel his Obedience, by an Order for the Advance of Two Battalions of Sepoys for that Purpose, that the Balance of the Subsidy, which was 2,50,000 Rupees, was discharged. In the mean Time the Resident received an Order from the Board, to remit the Money as he received it, by Bills, to the Paymaster of Lieutenant Colonel Camac's Detachment: But these, from the Lateness of the Receipts, were not sent until the Detachment had suffered the Extremity of Distress from the Want of Money, and very great Desertions; all which Calamities I charge to Rajah Cheyt Sing's Account; as it is certain that my Reliance on his Faith, and his Breach of it, were the principal Causes that no other Provision had been made for the Detachment, and that it suffered such Want in consequence."

Your Committee cannot discover any Record to prove, that although an extraordinary Demand of Money (beyond the stipulated Rent paid by the Rajah) was made in July, that the whole Payment of it was *consequently* due the Moment in which the Demand was made. The Records being deficient in this Proof, they had Recourse to what had been the Practice in the Two preceding Years, in which this same extraordinary Demand had been made upon the Rajah: And Your Committee will now lay before the House the exact State of those Payments.

Times of Payment of the extraordinary Aid demanded of Rajah Cheyt Sing, in 1778.

22d September 1778, Rajah paid	—	—	—	—	—	R <sup>s</sup> 50,000
10th October	—	—	—	—	—	4,50,000
						<u>5,00,000</u>

For 1779.

30th September	—	—	—	—	—	25,000
1st October	—	—	—	—	—	24,000
2d	—	—	—	—	—	20,000
3d	—	—	—	—	—	20,000
5th	—	—	—	—	—	10,000
7th	—	—	—	—	—	10,000
9th	—	—	—	—	—	10,000
15th	—	—	—	—	—	20,500
18th	—	—	—	—	—	10,500
19th	—	—	—	—	—	1,00,000
20th	—	—	—	—	—	1,90,000
21st	—	—	—	—	—	60,000
						<u>5,00,000</u>

29th November. Received from Rajah Cheyt Sing, for the Expences of the Detachment from Dinagepore, from the Day of its March from thence till the Subsidy of 5 Lacks was completed, being 14 Days	—	—	—	20,000
				<u>5,20,000</u>

For 1780.

It appears from the Governor General's Narrative, that the Money was paid as follows :

In July	—	—	—	—	—	1,00,000
August	—	—	—	—	—	50,000
September	—	—	—	—	—	1,00,000
20th October	—	—	—	—	—	2,50,000
						<u>5,00,000</u>

By these Statements, it does appear that in the Year 1780, in which the Charge of Delay is made, the Rajah had paid Half the extraordinary Aid much sooner than in any preceding Year: that

that he had paid the Whole as early as in the last Year, although the Payment was then enforced by Two Battalions of Sepoys; and that he was only Ten Days later in his Payments of the remaining Half than in the First Year of this Demand.

Your Committee will now proceed to the Investigation of the other Part of this Charge; namely, all the "Calamities which befel Lieutenant Colonel Camac's Detachment, which the Governor General charges to Cheyt Sing's Account."

As this is made a direct Charge against Cheyt Sing, and assigned as the First Reason to justify the extraordinary Proceedings which have been held towards him, Your Committee expected something more like Proof than mere general Assertion. They have perused the Governor General's Narrative with Attention, and have not been less attentive to the Records of the Company; and the following is the Result of their Enquiries.

It appears, that Captain Popham was sent early in the Year 1780 with a Detachment, to the Assistance of the Rana of Gohud.

It appears, by the 2d Article of the Treaty with the Rana of Gohud, That he was to pay the Expences of this Detachment; and the Sums were stipulated in Proportion to the Number of Troops to be employed.

By the 5th Article of that Treaty it appears, That in case the combined Forces of the Rana and the English were employed in any hostile Operations against the Marattas, beyond the Borders of the Rana's own Dominions, upon Requisition made to him in Writing, he was to furnish 10,000 Horse for such Service; and each Party was to bear his own separate Expence.

It appears, That on the 29th May 1780, the Governor General made a Proposition in Council, to form a Detachment under the Command of Major Camac: And on the 12th June he submitted to the Board the Instructions to be given to Major Camac.

These Instructions were opposed in Council, and they did not pass until the 20th July. A Copy of these Instructions of that Date is entered in the Appendix N° 5.

It appears, That Major Camac was ordered to succeed Captain Popham, with Directions to comply with the Terms of the Treaty.

So long as Major Camac remained with the Rana of Gohud, he was to receive the stipulated Sum for the Payment of the Troops from him. It appears, that discretionary Powers were given to Major Camac, to carry the War into the Territories of Two Maratta Chiefs, Madajee Scindia and Holkar; but Your Committee do not observe, that until the 7th September the Governor General and Council made any Provision, or took any actual Precautions, for supplying him with Money to defray the Expence of this Detachment, after he should have commenced his Operations against the Marattas in their own Dominions; when, by the 5th Article of the Treaty, the Subsidy with the Rana of Gohud was to cease.

It is true, that in the Consultations of the 12th June 1780, the Governor General proposed to make the Demand of Five Lacks from Cheyt Sing, for the Payment of his Annual Contribution towards the Expences of the War, and which Sum should be appropriated solely to the Payment of Major Camac's Detachment. But the Majority of the Council General opposed this, "because the proposed Anticipation of the Demand of Five Lacks from the Rajah of Benares, and the sole Appropriation of it to this Service, is no Relief of Expence, or Increase of Resource, since the above Five Lacks make Part of our general Estimate of Resources for the Service of the current Year; and if applied to any Service not provided for in the same Estimate, will leave a Deficiency which must be made good out of some other."

The Council General having rejected the Governor General's Plan of an Expedition into the Maratta Country under Major Camac, on the 26th of June 1780, the Governor General supposing the Expence which would attend it the only formal Objection, offers to exonerate the Company from it, and to take it upon himself; the Extent of this Offer he confines to the Contingencies, which he rates far below Two Lacks of Rupees; that Sum he offers to contribute to this Disbursement; and adds, that he had already deposited it (within a small Sum) in the Hands of the Sub Treasurer; and he begs the Board will permit it to be accepted for that Service. The Board do not accept this Offer.

And it appears, That on the 22d of the same Month, the Council General write to the Resident at Benares as follows:

"The Period of Two Years, for each of which Rajah Cheyt Sing has contributed the Sum of Five Lacks of Mucklidar Rupees, as his Proportion of the Burthen of the War with France, being nearly expired, and the War still continuing, we find it necessary to maintain the same Force, and to require that the Rajah shall be at his Share of the Expence; we therefore direct that you demand from him Payment of the above Sum, as his Proportion of the Charge for the current Year, and remit the Amount of it to us."

And the Resident in his Answer, dated 10th August following, says, "I have received from the Rajah One Lack of Rupees in Part Payment of his Subsidy, and I have the Honour to enclose Bills of Exchange for the Amount of this Sum, drawn as per accompanying Invoice."

"I have urged the Rajah very strongly to complete the Payment of his Subsidy with all possible Expedition; but I find he is determined to make no further Payment till he receives an Answer to his Arzee, transmitted in my Letter of the 5th Instant to the Honourable Governor General."

Vide Secret Committee's  
6th Report,  
Appendix, N° 239.

Appendix, N° 5.  
Major Camac's  
Instructions.  
Vide Instructions.

Vide 2d Select Report,  
Page 45.

Vide Appendix to the  
6th Secret Rep. N° 286.

Vide above Appendix,  
Bengal Secret Conf. 19  
June 1780.

Vide above App. N° 6,  
Mr. Francis's Packet.

Vide the above App.  
N° 9, Mr. Francis's  
Packet.

Vide 2d Select Report,  
Page 44.

2d Select Rep. Page 45.

id Select Report, P. 45.

The Governor General lays before the Board the following Letter from the Rajah of Benares, referred to in the Letter from the Resident above recorded, received at Calcutta the 21st August 1780; viz.

" I have been honoured by your Orders, directing me to pay Five Lacks of Sicca Mayhadar Rupees to Mr. Fowke, for the War which still continues; and although my distressed Situation must be known to you from other Quarters, notwithstanding I have been afraid to represent it to you myself, that I have sold my House and borrowed Sums of Money, from which I am not yet released; yet, in Obedience to your Orders, I have paid One Lack of Rupees out of the Five Lacks to Mr. Fowke, and shall pay the other Four in Three Months. I request you will send Directions to that Gentleman, to allow me *that Time*, and it shall be punctually paid at the End of that Term. You yourself must be convinced that I have no Abilities or Resources left."

On the 7th September Your Committee observe the following Orders were sent to the Resident at Benares.

D<sup>o</sup>;

" We have received your Letters under Date the 21st July, 10th and 20th August, with the Bills and Accounts enclosed: We have also had before us the Rajah's Letter to the Governor General, to which you allude in your Address of the 10th ultimo.

" We desire you will inform the Rajah of Benares, that, knowing his Ability to make quick Payment of the whole Amount of the Subsidy, we are much displeased with the groundless Pretences which he urges for delaying it; and we direct, that on Receipt of this Letter you peremptorily demand his immediate Discharge of the Sum due from him on this Account; which, when you have received it, we desire you will remit, either by Shroff Bills, if possible, or by any other safe Mode, to Major Camac, for the Expences of the Troops under his Command.

" We are, &c."

" Fort William,  
" 7th Sept. 1780."

On the same Day Major Camac is also advised of the Plan adopted for the Payment of his Detachment.

And on the Proceedings of the 9th October, there is the following Extract of a Letter from the Resident at Benares, dated the 27th September 1780; viz.

Vide id Select Report,  
Page 46.

" I have received the Honour of your Letter of the 7th Instant, and have signified your Commands to the Rajah. He has promised to discharge the Balance of his Subsidy, being Rupees 2,53,000, in the Course of a few Days. I am treating with the Shroffs for a Remittance to Major Camac, and imagine I shall be able to effect it by Bills from them for the whole Amount."

D<sup>o</sup>,

And in the Proceedings of the 26th of the same Month, the following Letter from the Resident, dated the 5th Instant, is entered; viz.

D<sup>o</sup>,

" I think it incumbent upon me to inform you, that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy, specified in my Address of the 27th ultimo. He has resumed his Plea of Inability; and I can form no Opinion how long he may think proper to protract the Payment."

And the following Letter was written in consequence to the Resident at Benares; viz.

D<sup>o</sup>;

" We have received your Letter of the 5th Instant, informing us, that the Rajah, notwithstanding his solemn Assurances, has hitherto paid no Part of the Balance of his Subsidy, specified in your Address of the 27th ultimo; that he had resumed his Plea of Inability; and that you could form no Opinion how long he might think proper to protract the Payment.

" This Conduct of the Rajah seems to us without Excuse; we direct therefore, that you demand instant Payment of the Balance due of his Subsidy; and if he shall not have discharged it at the Time of your Receipt of this Letter, that you exact from him, in the Name of the Board, the further Sum of One Lack of Rupees, as a Fine for his past Disobedience. To enforce the Compliance due to our Authority, and the Payment of the Sum required of him, we have given Orders that the Battalions at the Stations nearest to Benares should march immediately to that Place, and wait for such Directions as may hereafter be transmitted to the Officer commanding them."

The Council send the following Orders to Brigadier General Stibbert:

" Sir,

" 19th October 1780, Fort William.

Vide id Select Report,  
Page 47.

" Having had late Occasion of being much dissatisfied with the Conduct of the Rajah of Benares towards this Government, in withholding the Payment of the Amount due from him as his Subsidy; we think it necessary to direct, and do direct you to issue Orders to the Commanding Officers of the Battalions at the Stations nearest to Benares, to march immediately to that Place, and wait such further Orders as may hereafter be transmitted to them."

And in the Proceedings of the Governor General and Council, of the 2d November, we find the following Letter from the Resident at Benares, dated the 18th October 1780.

D<sup>o</sup>.

" The Rajah has this Day given me Bills of Exchange on Gohud in Favour of Major Camac, for the Balance which remained due on account of his Subsidy, being Benares Sicca Rupees 2,50,000.

" I shall make a further Remittance to Major Camac in a few Days, of the *whole Amount* which I have received from the Rajah, in ready Money, on this Account."

Your Committee will now make the following Observations :

It is apparent, from the Letter of the 22d June, that the Governor General did not then place his Reliance upon the Payments to be made by the Rajah, for the future Support of Major Camac's Detachment in the Province of Malva, because he directed the Resident at Benares to *remit the Amount of such Payment to Calcutta*; and in Obedience to this Order, on the 10th August the Resident actually remitted One hundred thousand Rupees to Calcutta.

It appears, that a Letter from Rajah Cheyt Sing, transmitted by the Resident, was received at Calcutta by the Governor General on the 21st August; and the Rajah had declared to the Resident; his Determination not to make any further Payment until he received an Answer to that Letter. At that Period, Delay of Remittance did not appear to be a Crime of such great Magnitude; since the Governor General was in Possession of this Letter Sixteen Days previous to his laying it before the Council, which was on the 7th September: Then, for the first Time, the Resident at Benares received Orders to supply Major Camac's Detachment. And here Your Committee must remark, that if the Rajah had paid the whole Sum, according to what the Governor General in his Narrative states to have been the Rajah's Engagement, or even the remaining Balance, all the Money so paid, according to the existing Orders of the Governor General and Council, ought to have been remitted to Calcutta, until the Orders of the 22d June were countermanded by the Receipt of those of the 7th September.

Yet, although the Resident had on the 27th September received Half the Amount of the extra Aid, he had not then made any Remittance to Major Camac; but he was treating with the Shroffs, or Bankers, and had Hopes to obtain Bills for the whole Amount.

On the 18th October he had received from the Rajah, Bills of Exchange on Gohud for the Balance of the Subsidy, being 2,50,000 Rupees; and in the same Letter he writes to the Council, that he shall make a further Remittance to Major Camac of the *whole Amount* which he had received from the Rajah, in ready Money, on that Account (the Subsidy).

From this Letter it is evident, that Cheyt Sing paid at Benares the Balance of his Subsidy the Day before the Order passed in Council at Calcutta to enforce the Payment of it by the March of Two Battalions of Sepoys. And Your Committee must observe, notwithstanding what is stated in the Governor General's Narrative, that it does clearly appear the Rajah was not compelled to Obedience by any Constraint, as in the preceding Year, when Two Battalions of Sepoys actually enforced Obedience to the Orders of the Council.

March of the Sepoys  
was countermanded on  
2d Nov. 1780.

There is no Record at the India House to prove the precise Time when Major Camac began his March to Malva, nor of his Arrival at Gohud: But the Instructions from the Governor General and Council to Major Camac are not dated till the 20th July 1780; his Detachment was then to be formed from the Army at Cawnpoor, more than Eight hundred Miles from Calcutta; and he was then to proceed without Loss of Time.

Your Committee observe, that Cheyt Sing, in his Answer to the Governor General's Letter, sent to him previous to his Arrest, declares, that the remitting the Money to Major Camac's Army did not depend on him; if any Delay happened on this Head he could not help it; and if, besides the Payment of the Money, the Remittance of it also to the Army had rested with him, a Delay of that Kind should not have happened: And the Records of the Company confirm the Truth of this Assertion, as far as relates to the Remittance. The Payment only depended on him, the Remittance on the Resident. And here Your Committee must remark, it does not appear to them that the Mistortunes, whatever they were, attending Lieutenant Colonel Camac's Detachment, ought by any Means to have been imputed to Cheyt Sing; because it appears that the Resident at Benares had not, even on the 18th October, remitted to Colonel Camac the ready Money which he had actually received from the Rajah on Account of the Subsidy; although it appears, from the Governor General's Narrative, that before the End of September the Rajah had paid, besides the Lack of Rupees sent to Calcutta, 1,50,000 Rupees to the Resident.

Vide the Gov. General's  
Narrative,  
Appendix, No 1. Q

Your Committee must observe, that it appears to them somewhat singular, that on a Point of so much Importance as fixing a proper Fund for the due and regular Payment of Troops appointed to march upon Foreign Service, the Governor General, if he was resolved that the Payment of Major Camac's Detachment should at all Events depend on the Rajah of Benares, did not direct the Resident to make Remittances from the fixed Tribute, which for many Years had been so constantly and so regularly paid, rather than prefer a Fund, the Payment of which had always been objected to; and which had, on a former Occasion, been enforced by Military Execution.

It is impossible to assign any Reason for preferring the uncertain to the certain Fund, since we find that both Funds were equally included in the General Estimate of the Resources for the Service of the current Year, unless, indeed, that of Anticipation. The Tribute could not be demanded until due. The extraordinary Aid being in itself arbitrary, the Time of Payment was equally so: But if this Expedition was a necessary Measure, surely the Payment of the Troops which composed it, ought not to have depended on a precarious Source of Supply.

Your Committee observe indeed, that on the 19th December, the Remittance from the regular

Tribute was ordered, by a Letter from the Governor General and Council to the Resident at Benares\*.

That the first Mode of Supply from Benares was not only disadvantageous in Point of Remittance, but detrimental to the Province, by the Export of so much of its Currency, is evident from the following Letter from Lieutenant Colonel Camac to the Governor General and Council, dated, Camp near Norva, 30th December 1780.

" Accompanying, I have the Honour to send you an Estimate of the Monthly Expence and Arrears due to my Detachment, to the 1st January 1781, amounting to C. R' 2,89,726. 0. 7.  
" As the Company have sustained great Loss by the Mode of Supply, in remitting Money for the Payment of the Troops from Benares; and it being likewise very detrimental to the Country, to transfer such large Sums irrevocably from our Provinces; I beg Leave to request your Permission to draw upon the Company's Treasury occasionally; which will, in some Measure, remove those Evils: And I am of Opinion, from the unsettled State of the Country, that many of the Inhabitants will be glad of such an Opportunity of remitting their Money to Places in the Company's Territory of greater Security."

On the 16th January 1781, the Governor General and Council adopt Lieutenant Colonel Camac's Proposition, and write him as follows:

" We have received the Letter which you have written to us, under Date 30th ultimo, accompanied by an Estimate of the Monthly Expence and Arrears due to the Detachment under your Command to the 1st Instant.

" We approve of the Proposal which you make to us for occasional Draughts upon the Company's Treasury to supply the Pay of your Detachment, and accordingly empower you to draw on us for such Sums as you may require, and be able to obtain for Bills at a reasonable Rate of Exchange. We desire that you will inform us, for our final Determination and Orders on the Subject, at what Rate the Exchange can be fixed; and assure you, that such Bills as you may draw upon us in the mean Time will be duly answered. This Mode of Supply having been resolved on, we have revoked the Orders sent to the Resident at Benares, for a Remittance to you of the Sums which he might receive from the Rajah in Discharge of his Tribute, instead of remitting them as usual to the Presidency."

And on the same Day they write the following Letter to the Resident at Benares:

" Having lately resolved on a Mode of Supply to the Detachment of Troops commanded by Lieutenant Colonel Camac, which makes a Remittance to him from Benares, of such Monthly Gifts of Tribute as you may receive from the Rajah, unnecessary, we revoke the Orders which were sent to the Resident for this Purpose on the 19th ultimo, and direct that the Gifts of Tribute be again regularly transmitted to the Presidency, as usual, by Bills of Exchange."

From this State of the Case, drawn from the actual Records of the Company, the House will judge how far Cheyt Sing can or ought to be considered as responsible for the Calamities of Major Camac's Detachment.

Vide Narrative I.  
Vide 2d Report,  
Page 47.

The Governor General's second and direct Charge against the Rajah is, that " on the 2d November 1780, a Resolution passed the Board, that a Letter should be written to the Nabob Vizier, advising him to require from the Nabob, Feyz Oolla Cawn, the Number of Troops stipulated by Treaty, expressed, as they were then understood, to be 5,000 Horse; and that the like Demand should be made on Rajah Cheyt Sing, for all the Cavalry in his Pay, which he could spare for our Service. At that Time we stood in Need of every Aid that could be devised, to repel the multiplied Dangers which surrounded us; the Rajah was supposed to maintain a very large and expensive Force; and the Strength of his Cavalry alone was estimated at Two thousand. I had formerly experienced their Utility in the War with the Sincassies, in which they were successfully employed, and liberally rewarded. The Demand was formally made, both in a Letter from myself, and in Person by the Resident Mr. Fowke, in the easy and indefinite Terms mentioned above. His Answers were evasive, pleading, as I recollect, for I am not in Possession of them, the Scantiness of the Establishment, its Employment in enforcing the Collections, and the Danger of those failing, if the Detachments were withdrawn. At length a more peremptory Order was sent to him, and repeated by the present Resident Mr. Markham. The Number required was 2,000, and afterwards reduced to the Demand of 1,500, and lastly to 1,000, but with no more Success. He offered 250, but furnished none."

Vide 2d Select Report,  
Page 47.

Your Committee cannot but observe, That on the very same Day in which the Letter from the Resident at Benares is read at the Council at Calcutta, advising, that the Rajah had actually paid the full Amount of the extraordinary Aid, which had been so peremptorily required, the Council General, as if determined to have an Object of Discussion subsisting with Cheyt Sing, make a new Claim on the Rajah, by a Resolution, That the following Letter be written to the Resident at Benares; viz.

" On the Receipt of the Intimation conveyed to us in your Letter of the 18th ultimo, Orders

\* By some Mistake, the Book of Consultations of the 19th December 1780 is mislaid, so that this Letter cannot be entered in the Appendix; but the Confirmation that such a Letter exists, will appear by Reference to the Governor General and Council's Letter of the 16th January 1781, to the Resident, where they revoke their former Order of Remittance from the regular Tribute to Lieutenant Colonel Camac, and order the Money to be sent by Bills of Exchange to Calcutta.



“ were issued to countermand the March of the Troops which were appointed to proceed to Benares, in consequence of the Delays used by the Rajah in the Payment of his Subsidy.

“ Deeming it just and proper that the Rajah should be desired to afford every Assistance in his Power to this Government, to whose Protection and Support he owes all that he possesses, the Governor General has been requested to write to him, requiring him to furnish such Part of the Cavalry entertained in his Employ as he can spare for the Service of the Company; but as some Jealousy and Apprehension may arise in the Rajah's Mind, that this Aid may be converted to a permanent Imposition on him, we think it necessary that such Fears should be obviated, and direct you, therefore, to assure him, that we shall require the Services of this Force no longer than during the Continuance of the present War, after which it will certainly be returned.”

And it is also resolved to write to Cheyt Sing, “ Requiring him to furnish such Part of the Cavalry entertained in his Service as he can spare, for the Service of this Government; and to inform the Governor General what Number he can supply.”

Vide 2d Select Report,  
Page 48.

The Rajah asserts, that he sent an Answer to this Letter, containing a particular Account of all that were in his Service, amounting to 1,200 Horse, of which several were stationed at different Places; and he adds, that to this Letter he received no Answer—that Mr. Markham delivered him an Order to prepare a Thousand Horse—that in Compliance to the Governor General's Wishes, he collected Five hundred Horse, and as a Substitute for the Remainder, Five Hundred Burgundosses, of which he sent him Information; and that he told Mr. Markham they were ready to go to whatever Place they should be sent to—that no Answer came from the Governor General on this Head; and that the Rajah was astonished at the Cause of it—that he had repeatedly asked Mr. Markham for an Answer to his Letter about the Horse, but was told by him, that he did not know the Reason why no Answer had been sent—that the Rajah remained astonished—that with respect to the Sepoys, he received first an Order to station Two of his Companies, which he did—that he was then desired to give a Tunkaw for the Payment of the Sepoys, and likewise to pay the Captain; which was done every Month.

Do, Page 49.  
Vide also Narrative R.

Your Committee are of Opinion, that the Rajah appears to have given a full and direct Answer to every Point of this Charge; and Your Committee must suppose the Answers to be true, because Reference is made to Mr. Markham, then on the Spot, and who was the official Person employed by the Governor General in his Intercourse with the Rajah. If these Answers had not been well founded, the Governor General certainly would have called upon Mr. Markham to contradict them; but they stand uncontradicted.

As the Governor General has neither stated nor described the multiplied Dangers which surrounded Bengal at the Time this Demand was made, Your Committee have no Document before them which proves *that Bengal did stand in Need of every Aid that could be devised to repel these multiplied Dangers*. On the contrary, they observe that Seven Days before the Date of this Letter, the Governor General and Council agree, that a Detachment of Six Battalions of Sepoys and One Company of Artillery should march by Land to Fort Saint George; a Distance of more than Nine hundred Miles from Calcutta, and which Detachment did actually march. About the same Time they observe that Major Camac, with Four other Battalions and proper Artillery, was employed, not in the Defence of our own Frontiers, but upon an Incursion into the Maratta Territories, belonging to Madajee Scindia, some hundred Miles distant from either of the Provinces of Bengal or Oude.

Appendix, No 6.  
Bengal Secret Conf.  
3d and 26th Oct. 1780.

Your Committee will now lay before the House, Extracts from the Company's Records, to shew that this Demand of Cavalry from Cheyt Sing was so far from being a justifiable Demand on him, the Non-compliance with which ought to be considered as an Act of Delinquency, that it will appear to be a Demand unjustifiable in the Governor General to make, because it was contrary to a formal Resolution of the Council General, founded upon the most just and equitable Principles, and in which Resolution the Governor General himself had concurred.

The 12th June 1775, the Governor General proposes, “ that the Rajah, for certain Concessions, and as a Vassal of the Company, shall engage to maintain in constant Pay, and ready at all Times for immediate Service, a Body of Two thousand Horse, on such fixed Establishment as shall be prescribed by the Governor General and Council, and consigned to the Command of such Officers as they shall appoint;” and that the Rajah shall be allowed from the Company an additional Pay or Gratuity of Fifteen Rupees per Month for each private Man, and in Proportion for the Officers of the said Corps, during the Time of such Service.

Appendix, No 7.

In his Remarks upon this Proposition, he says, “ he rather proposes it for Consideration than recommends it—such a Body of well-disciplined and well-appointed Cavalry will give Credit to the Rajah and prove serviceable to this Government, though the Occasions will rarely happen in which we shall want it; the additional Pay will make them our own, when we do want them, and will be no great Expence.”

In the Fifth Article, the Governor General also proposes, “ that while the Rajah shall continue faithful to these Engagements, and punctual in his Payments, and shall pay due Obedience to the Authority of this Government, no more Demands shall be made on him by the Honourable Company of any Kind, on any Pretence whatsoever, nor shall any Person be allowed to interfere with his Authority, or to disturb the Peace of his Country.”

Your Committee particularly request the Attention of the House to the Governor General's own Illustration of this Proposition. He says “ that the voluntary Restraint laid by the Government on its

" Its own Actions, will afford the Rajah the greatest Confidence, and naturally inspire him with Sentiments of Fidelity and Attachment, both from the Principles of Gratitude and Self-interest. Without some such Appearance *he will expect, with every Change of Government, additional Demands to be made upon him, and will of course descend to all the Arts of Intrigue and Concealment practised by other dependant Rajahs, which will keep him indigent and weak, and eventually prove hurtful to the Company. By proper Encouragement and Protection he may prove a profitable Dependant, an useful Barrier, and even a powerful Ally to the Company; but he will be neither, if the Conditions of his Connections with the Company are left open to future Variations.*"

Vide the above  
Appendix.

On the 5th July the Governor General's Minute and Plan proposed for a Settlement with Rajah Cheyt Sing, for the Countries lately ceded by the Nabob, were taken into Consideration by the Council General. The Opinions of the several Members, relative to the keeping up a Body of Horse, are recorded as follows.

Mr. Francis,

" I object to our compelling the Rajah to keep up an extraordinary Force for our Service, considering it in effect as an Increase of the Tribute, which is contrary to the Principles which have guided my Judgment from the first Onset of this Negotiation. I have no Objection however to its being made an Article of Agreement with him, that he shall either put the Troops, which he now keeps, upon a better Footing in Point of Discipline, or disband them, and raise an equal Number in their Stead. What will be the best Method of making such Troops useful, or whether Cavalry should be preferred to Infantry, are Military Points, of which I do not pretend to judge. I understand that there are local Objections to the Utility of Cavalry in the Rajah's Country."

Mr. Barwell,

" I am of Opinion, that the Rajah should keep up such a Body of Forces; but entertain the same Sentiments as Mr. Francis respecting it being an Enhancement of his Tribute, and of any Degree of Compulsion to induce him to it."

Colonel Monson,

" I am of Opinion, the Company should receive the Rajah's Assistance on the same Terms he gave it to the Vizier, or the present Nabob. Cavalry, I understand, is an improper Force for this Country, which is bounded on the North by the (River) Gogra, on the South by the Mountains, on the West by Azoph ul Dowlah's Territories, and on the East by Bahar; the Extent Westward, from North to South, is not above Fifty or Sixty Cos, which is watered by Four Rivers; the Gogra, the Gumpty, the Saye, and the Ganges, intersected by many very considerable Nullahs (Creeks) and otherwise strengthened by Woods, Inclosures, and Villages; that Part of the West of the Frontier, from the Gumpty to the Ganges, is almost an entire Jungle (Wood), inhabited by Robbers. There is no Ground in the Country, or its Environs, North, West or South, for some Distance, free from Mountains, Nullahs, Topes, Brushwood or Jungle, Inclosures or Villages. I therefore think Infantry a more proper Force for this Country; but if the Rajah should be required to keep Cavalry more for the Defence of these Provinces than his own, they should be officered and disciplined in the European Manner."

General Clavering,

" I understand that the Rajah does . . . keep up a large Body of Cavalry, and that Five hundred of these, which assisted under the Command of the Captain of the Governor's Guard on the Conquest of the Rohilla Country, were absolutely useless, by their total want of Discipline, when they took the Field, but improved during the Campaign.—I would not compel the Rajah to keep up any Troops, but I would recommend it to him to maintain the Number which the Governor General has proposed for his and our Assistance; and as the Country of Bahar is open, where Cavalry may always act with great Advantage, and as the Company does not maintain any, I think it should be recommended to the Rajah to appoint some English Officers to discipline and command his Troops, by the Means of which great Benefit may be derived from them in case of a War with the Marattas."

Governor General,

" The Accounts which have been given to me of the Zemindary of Benares differ very much from Colonel Monson's Description of it, and represent it as open, perfectly well cultivated, and but little intersected with Rivers. The Gogra forms the Boundary of one Part of it, and the other Rivers are very inconsiderable; all these lie to the North of the Ganges. On the South Side I do not remember one—It is on this Side that Provision should be made for its Defence, as it is liable to Invasion on the other from no Quarter but the Province of Oude—It was far from my Intention to propose this or any other Article to be imposed on the Rajah by Compulsion; I do not conceive that he would object to this, but am willing to yield my Opinion of the Propriety of such an Establishment to the General and Colonel Monson, who from their Experience must be the most competent Judges—I only proposed it as an Article of Speculation."

The Council General then came to the following Resolution :  
*That it be recommended to Rajah Cheyt Sing, to keep up a Body of Two thousand Cavalry, to be disciplined after the European Manner, but that there be no Obligation on him to do it.*

Read the 5th Article.

Approved the Proposal in this Article:

Thus it appears, that in 1775, when the Sovereignty of Benares was first ceded to the Company, the Council General took into Consideration the Terms on which they should confirm Cheyt Sing in his Government. The Governor General then proposed, that the Rajah should furnish Two thousand Horse, upon certain Conditions. The Council debated on this Proposition; several of the Members declared they did not mean to increase his Tribute, which would be done by such a Resolution—a Negative was given to the Proposition.—The Governor General, in his Minute on this Occasion, said, “it was far from his Intentions to propose this or any other Article to be imposed on the Rajah by *Compulsion*.”—In 1781 a peremptory Demand is made of Two thousand Horse from the Rajah, as if it had been an Article of Treaty that he was bound to perform. The Rajah's Answer to the Governor General's Letter on this Subject appears in the Appendix, and shews no Unwillingness to comply with the Demand, as far as he can with Convenience to the Collection of his own Revenues. It is somewhat singular, that the Governor General declares in 1775, that he did not mean to impose this Demand of Cavalry on the Rajah by *Compulsion*; and yet, in 1781, his not complying with this Demand is considered as such an Act of Delinquency, as to form one of the Two direct Charges of Culpability and Guilt, and for the Pardon of which he was to pay largely, or a severe Vengeance was to be exacted for his Delinquency.

Vide Appendix,  
 No 1.  
 Govr. General's Narrative R.

As both the Governor General and Cheyt Sing have referred to their different Letters concerning this Demand of Cavalry, Your Committee directed the proper Officer of the India Company to lay not only that Correspondence before Your Committee, but the Letters which passed betwixt the Governor General and Mr. Markham, the Resident at Benares, on this Subject. By the Letter of Mr. Michell, Secretary to the India Company, of the 27th May 1783, it appears, that no Part of this material Correspondence has yet been received by the Company.

Vide Appendix,  
 No 8.

Your Committee have now not only stated the direct Charges made by the Governor General against Cheyt Sing, but they have laid before the House Materials upon which the House will be enabled to form an Opinion whether those Charges are well or ill founded.

In the Second Report, delivered from this Committee in the last Session of Parliament (to which they consider this as a Supplement) and from the preceding Part of this Report, the House will be competent to form a true Judgment of the Relation in which Cheyt Sing stood as a Tributary to the Company.

It is impossible to select Words more forcible to express that Relation, than those used by the Governor General when he described Cheyt Sing's Situation, and the Obligation thereby imposed on the Bengal Government to grant him Protection.

4th October 1773.  
 Vide 2d Select Report,  
 Page 12.

In his Report to the Council he declares, “I am well convinced that the Rajah's Inheritance, and perhaps his Life, are no longer safe than while he enjoys the Company's Protection, which is his Due by the Ties of Justice and the Obligations of public Faith, and which Policy enjoins us to afford him ever most effectually: His Country is a strong Barrier to ours, without subjecting us to any Expence; and we may depend upon him as a sure Ally, whenever we may stand in Need of his Services.”

And here it may be necessary to state the peculiar Privileges which the Zemindar of Benares enjoyed since the Treaty of 1765. He was to pay a stipulated Tribute at fixed and stated Times of Payment; but the Tribute could not be increased during the Life of the Zemindar, nor demanded in Advance: He was not to render any Account of his Collections, nor was he allowed to make any Claim for Abatement or Deduction; and he presided over the Courts of civil and criminal Jurisdiction throughout the Provinces.

Vide the Treaty of  
 1765, in 2d Select Report,  
 Page 10.

Your Committee will now proceed to observe on the Deliberations which produced the Treaty of 1775, and then they will examine whether this Treaty made any Alteration whatsoever in the fixed, acknowledged, and established Rights of Cheyt Sing.

Mr. Francis, in his Opinion delivered in to the Council, and entered on the Secret Consultations of the 13th of February 1775, says, “The Zemindary of Benares to be made dependant as a Fief on the united Kingdoms of Bengal and Bahar, and the Tribute lately paid by the Rajah to the Vizier to be paid to this Government.

Vide 2d Select Report,  
 Page 14.

“The present Rajah of Benares to be confirmed in the Zemindary, which may be perpetuated in his Family under a fixed Annual Tribute and a fixed Fine at each future Investiture; a free Trade to be opened between these Provinces and his Country; the Rajah's Authority in his own Government to be left full and uncontrolled.”

Mr. Barwell in his Minute says, “The Independency of Gazipoor and Oude, is a most political Object, and ought to be insisted on; and whatever may be resolved respecting the Revenue paid by the Rajah of that Country, the English Government ought not to stand in the same Relation to it as the late Vizier, because the Country of Benares and Gazipoor is a natural Barrier to these Provinces, and the Rajah should have the strongest Tie of Interest to support our Government in case of any future Rupture with the Soubab of Oude.

Do, Page 15,

“To make this his Interest, he must not be tributary to the English Government; for from the

Vide 2d S. 1st Report,  
Page 13.

D<sup>o</sup>, Page 16.

" Instant he becomes its Tributary, from that Moment we may expect him to side against us, and, by taking Advantage of the Troubles and Commotions that may arise, attempt to disburden himself of his pecuniary Obligations."

Mr. Monson, in his Opinion, says, " For this Service done to the Nabob, we should require, that Cheyt Sing's Zemindary be annexed to the Soubahdarry of Bengal, or Bahar, or to both."

General Clavering, in his Opinion, says, " The greatest Advantage, in my Conception, that can be obtained for the Company is, First, the total Extinction of the King's Claim to the Tribute on these Provinces; Secondly, that the Zemindary of Benares and Gazipoor shall be held by Cheyt Sing of the Company instead of the Soubah of Oude. To obtain the first, it should be proposed to the King, that he should renounce his Tribute on these Provinces; that he should acknowledge the Nabob of Oude to be Soubah of that Country, and should appoint him Vizier.

" In return for this Favour we should restore to him the Countries of Corah and Allahabad; the Nabob, in return to the Favour shewn to him, and procured by our Mediation, should relinquish to the Company the Sovereignty of Benares and Gazipoor, to be held, as at present, by Cheyt Sing, on his paying his Tribute to the Company. In order to attach this Rajah to the Company, his Tribute ought to be diminished at least Three Lacks of Rupees."

The Governor General, in his Minute, makes the following Propositions, and adds the following Remarks on them,

2d. " That the perpetual and independent Possession of the Zemindary of Benares and its Dependencies, be confirmed and guaranteed to Rajah Cheyt Sing and his Heirs for ever, subject only to the Annual Payment of the Revenues hitherto paid to the late Vizier, amounting to Benares Rs Rupees 23,71,656. 12. to be disposed of as expressed in the following Article; that no other Demand be made upon him, either by the Nabob of Oude, or this Government, nor any Kind of Authority or Jurisdiction exercised by either within the Dominions assigned him."

*" The Rajah of Benares, from the Situation of his Country, which is a Frontier both to the Provinces of Oude and Bahar, may be made a serviceable Ally to the Company whenever their Affairs shall require it. He has always been considered in this Light both by the Company and the successive Members of the late Council; but to insure his Attachment to the Company, his Interest must be connected with it, which cannot be better effected, than by freeing him totally from the Remains of his present Vassalage, under the Guarantee and Protection of the Company, and at the same Time guarding him against any Apprehensions from this Government, by thus pledging its Faith, that no Encroachments shall ever be made on his Rights by the Company."*

3d. That an equal Partition be made of the Revenue of the Zemindary of Benares between the Company and the Nabob of Oude; (that is to say,) That the Rajah shall pay Monthly to each the Sum of 98,823. 2. 9. amounting on the Whole to Rupees 23,71,656. 12. and that this Participation be expressly declared to be intended as a Pledge and Acknowledgment of the equal Relation in which the Rajah and his Successors are hereafter to stand to both Governments."

" I propose this Article with some Reluctance, as contrary to my Idea of the Right of the Nabob of Oude, in virtue of the Treaty originally formed between his Father and the Company; but it is conformable to the Principle adopted by the Board in the Resolution passed this Morning, and may perhaps be obtained without much Opposition from the Nabob, at the same Time that it contributes to fix the Independency of the Zemindary of Benares on the most permanent Foundation."

Although the Governor General's Propositions did not exclusively form the Basis of the Treaty with Azoph-ul-Dowlah, yet they remain an undeniable Proof of his Opinion in 1775, that the perpetual and independent Possession of the Zemindary of Benares, and its Dependencies, should be confirmed and guaranteed to Cheyt Sing and his Heirs for ever, subject only to the Annual Payment of the Revenues hitherto paid to the late Vizier.

D<sup>o</sup>, Page 19.

It appears, that Mr. Bristow was the English Resident at Oude, and concluded the Treaty, in consequence of Instructions transmitted to him by the Governor General and Council. Nothing can more fully describe the Power and Independence of Cheyt Sing, nor the Sense they entertained of that Power and Independence, than the following Article of the Instructions above-mentioned.

" But as in the Case of a Defensive Treaty between the Company and the Nabob, and that they should take upon them the Guarantee of any Part of his Dominions, it is fit they should reap an Advantage from it equivalent to the Service which they are to render him, and to the Hazard which they take upon themselves; you will therefore give the Nabob to understand, that such Equivalent is to be expected from him; and you will throw out in your first Conversation with him on the Subject, that you have Reason to believe, if he were to relinquish and make over to them for ever the Tribute which he receives from the Rajah Cheyt Sing, together with the Sovereignty of the Province possessed by that Rajah, it would be accepted as a full Compensation for the Protection they would agree to afford him; that thus yielding up to his best Friends a Tribute which bears a small Proportion to his other Revenues, it would better enable them to

“ afford a solid and effectual Protection to the rest, and at the same Time encroach little on his real Dominion as a Sovereign Prince, since it would only be his relinquishing the nominal Authority over a Province, where he hardly at present exercises any.”

The House will perceive, that nothing was then more remote from the Intentions of each Individual of the Council General, than any Attempts to infringe the Rights of Cheyt Sing: Divided as they were in Council upon all other Points, and even divided in Opinion concerning this very Treaty; yet so far as relates to Cheyt Sing, they were unanimous in their Expressions of Good-will towards him, and of the Policy of making him an useful Ally.

Your Committee observe, That on the 3d of August 1775, the Governor General and Council inform the Court of Directors of the Conclusion of the Treaty with Azoph-ul-Dowlah, as follows:

“ The Cession of Benares, and the other Territories of Rajah Cheyt Sing, to the Company, we flatter ourselves will prove perfectly agreeable to your Ideas, as it conveys a valuable Acquisition to the Company without encumbering them with any new Engagements, or loading them with any additional Expence; nor indeed is it liable to the Objection of involving them in the Trouble of new Collections and new Establishments, with all the Disorders which attend them: The Revenue which accrues from this Acquisition amounts to Rupees 23,72,656. 12. and will be paid by the Rajah in Monthly Payments as a neat Tribute, without rendering any Account of his Collections, or being allowed to enter any Claim for Deductions.”

And in the Sunnud which the Governor General and Council granted to Cheyt Sing on the 15th of April 1776, no Stipulation was made to bind him to send a Body of Horse to our Assistance whenever required: In short, no new Stipulation whatsoever was made; but there were Rights to a very considerable Amount, appertaining to the Soubah of Oude, which the Council General, for the Reasons assigned by them, surrendered to the Rajah without any Compensation; these were the Profits of the Mint and of the Cutwallees. The Rajah was also allowed £. 2 per Cent. for remitting his Tribute to Calcutta, whenever it was required to be sent thither. From this Detail it appears, that Cheyt Sing was a considerable Gainer by his new Sunnud; he was now to pay that Tribute to the Company which he before paid under certain Conditions to the Subah of Oude: Whilst he was the Zemindar of that Subah, and regularly made his Payments, he was intitled to the Guarantee and Protection of the British Government; so that it is evident that the Transfer of the Sovereignty from Azoph-ul-Dowlah to the Company, made no Alteration in the actual Rights of Cheyt Sing.

The Force and Effect of that Guarantee is best explained by a Review of Mr. Hastings's Conduct in 1773. At that Period Mr. Hastings resisted an Application, made in very earnest Terms by the Vizier, to dispossess Cheyt Sing of his Forts of Bidjegur and Lutytspoor, and to take from him Ten Lacks of Rupees, over and above his stipulated Rents; and Sujah Dowlah seemed greatly dissatisfied at the Governor General's Refusal. At that Time the Rajah appeared to possess certain Rights, which were on no Account to be invaded. The Governor General tells him, “ if he paid the established Rents to the Vizier, the Company would always attend to his Welfare, and afford him their Care and Protection; and in the Agreement before mentioned, there shall never be any Breach or Deviation.”

This Fact is important; whilst Cheyt Sing was Tributary to the Nabob of Oude, and paid him regularly his Rents, the Guarantee of the English was to protect him in all his Rights, and did actually protect him against the avaricious Attempts of Sujah Dowlah. When the Provinces of Benares and Gazipoor were ceded to the Company by the Successor of Sujah Dowlah, your Committee would have expected, that the same Principles, namely, the Preservation of the Honour and good Faith of the Nation, which had protected Cheyt Sing against the unjust Demands of his Mahomedan Lord, would have operated with still more Force upon those to whom the national Faith and Honour of this Country were intrusted: And

Your Committee cannot help thinking, that if the Company's Protection was his Due by the Ties of Justice, and the Obligations of public Faith, in 1773, as stated by the Governor General, that those Ties and those Obligations were no less his Due in 1781; they cannot help thinking, that if the Governor General was commendable in 1773, for resisting every Proposition of the Vizier to dispossess Cheyt Sing of his Fortresses, or to extort Money from him beyond his stipulated Rent, that he was highly culpable in 1781, when he departed from those Ties of Justice, and those Obligations of public Faith, in order to exact Money from him, under the Pretence of making him pay largely for his Pardon, or of exacting a severe Vengeance for past Delinquency.

The Governor General, in his Narrative, states, “ those who have been accustomed to regard Cheyt Sing as a Vassal or Tributary Prince, may revolt at the Idea of treating him with such Indignity, and call it an Oppression; they will suppose nothing to be due from him to the Company, but the Payment of his stipulated Tribute, and that the Pledge of his Exemption from every other Claim.—I suspect too, that the Deeds which passed between him and the Board, on the Transfer of his Zemindarry to the Company in 1775, are by many understood to bear the Quality and Force of a Treaty of optional Conditions between equal States.—He paid no Tribute to the Company, but a fixed Annual Rent.”

Your Committee are of Opinion, that unless Cheyt Sing had forfeited all the Rights he enjoyed from our Guarantee, when the Sovereignty of his Country was transferred by Treaty from the Nabob Azoph ul Dowlah to the Company, that the Payment of his stipulated Tribute was a Pledge from every other Exemption; and the Governor General entertained the same Opinion, when Rajah Cheyt Sing was the Zemindar of Sujah Dowlah. Now he says, but “ if the Company, possessing the ac-

“ knowledged

Vide 2d Select Report, Page 23.

Do, Page 24.

Vide Secret Letter from Bengal, 15 Jan. 1776, Page 24, of the 2d Select Report.

Vide 2d Select Report, Page 13, Letter from the Gov<sup>r</sup>. General to Cheyt Sing.

Appendix, No 1. Vide Narrative M.

Do N.



Vide 2d Report, Page 20, Rendent of Oude's Letter, 14 April 1776, to the Govr. General and Council, and Appendix, N<sup>o</sup> 14.

"known Right of his former Sovereign, held an absolute Authority over him." Your Committee will not admit, that his former Sovereign did possess an absolute Authority over him; the British Government stood betwixt Cheyt Sing and the Soubah of Oude; and it appears beyond Contradiction, that his former Sovereign did not possess such an Authority. Sujah Dowlah wished to increase his stipulated Rents, he was solicitous to take his Forts; but here the Guarantee put in a Negative; he could not even compel the Payment of his Tribute in advance; or, indeed, until it became actually due. And Your Committee think it a great Aggravation of a Breach of public Faith, that the Governor General should, when he was the Representative of the Sovereign Power, do that which he had himself declared to be so highly improper, and which he would not permit to be done, when he was but the Representative of that Power which guaranteed Cheyt Sing in his Possessions.

Your Committee conceive the Justice of Parliament will expect, that when a Man of high Birth, Rank, and of ancient Family, possessing all the Rights of Sovereignty but the Name, over a well-cultivated and populous Country, is deprived, after many Years peaceable Possession, of his Country and his Wealth, that some very solid and substantial Reasons be shewn, to prove such an Exertion of Authority did proceed from Causes of great, momentous, and important Nature, such as regarded the Safety of the State. They will naturally expect, that a Rajah, who had regularly paid a Tribute, exceeding £. 250,000 a Year, if any Crimes were imputed to him, was justly entitled to have a sober and dispassionate Hearing of his Case, before any Resolution was taken to exact Money from, or otherwise to oppress him.

Appendix, N<sup>o</sup> 1.  
Vide Narrative A.  
D<sup>o</sup> B.

It is evident, that Measures of determined Severity had been adopted by the Governor General before he left Calcutta, and that he had formed his Plan of future Proceedings against the Rajah upon that Principle.—Cheyt Sing manifested his Obedience to the Governor General, by his personal Attendance to receive him on the Frontier of his Country. The Governor General says, "that he had paid him (this) the customary Duty of Respect:" But he adds, that "he brought with him a great Fleet of Boats, which, as I afterwards learned, were crowded with Two thousand armed and chosen Men."

Appendix, N<sup>o</sup> 9.

Vide Col. Harper's Correspondence in Appendix, N<sup>o</sup> 3.

Appendix, N<sup>o</sup> 1.  
Vide Narrative C.

Vide Col. Harper's Evidence in Appendix, N<sup>o</sup> 4.

Vide Narrative D.

D<sup>o</sup>, P.

D<sup>o</sup>, T.

D<sup>o</sup>, X.

Your Committee must observe, that this Fleet of Boats did not appear, at the Time the Rajah met the Governor, a Matter of Alarm, scarcely of any Notice; but was since magnified into Importance by succeeding Events; and for Proof on this Point, Your Committee refer to the Evidence of Mr. Sumner, who attended the Governor General on his Expedition.—And here Your Committee must remark to the House, that the Rajah's Visit to the Governor was a Public Testimony given by him of his Reliance on the good Faith of our Nation. He thought his Person secure from Restraint under the Sanction of that good Faith, which ought not to have been violated; for Cheyt Sing not having the same Reliance on the Nabob Sujah Dowlah, could never be prevailed on to put himself in the Power of the late Vizier, and consequently did not accept an Invitation to his Court, even on the very important Occasion of celebrating the Marriage of his eldest Son, the present Vizier. The next Day Rajah Cheyt Sing had a private Audience of the Governor, in which he professed much Concern at his Displeasure, and Contrition for having given Cause for it, with Assurances that his Zemindary and all that he possessed were at his Devotion; and he accompanied his Words by an Action strongly expressive of the Agitation of his Mind, or of his Desire to impress on the Governor General's a Conviction of his Sincerity; he laid his Turban on the Governor General's Lap—Your Committee understand that the Inferior denotes by this Action, that his Honour is supposed to be at the Disposal of the Superior. — But neither this Mark of profound Submission and Obedience, nor his Acknowledgments of past Errors and Promises of future Behaviour, had any Effect upon the Governor General; he was inflexible; and the Governor General assigns his Reasons, by saying, "As the preceding Conversation was accidental, and made no Part of the Plan which I had concerted in my own Mind for my Conduct with the Rajah, I kept no Minutes of it, nor should have thought it deserving a Place in this Narrative, but for the Weight which he has since given it; and that it might be imputed to me as a designed Suppression, if I made no Mention of it."

When the Governor General arrived at Benares, the Rajah was not permitted to visit him that Evening, and he was required to defer his future Visits until Permission should be granted to him. Such an Order given to him, and in his own Capital, degraded him in the Eyes of all his Subjects; yet Your Committee observe nothing but Submission; and when the Governor sent Mr. Markham to put him in Arrest, he submitted quietly to that Arrest, and wrote a Letter to the Governor General, which indicates the most perfect Obedience—in which he says, "At this Time Mr. William Markham being come to me, has informed me, that your Highness's Orders are, that I should remain under a Guard. My Protector! I before represented to you on board the Pinnace, that I was the Servant of the honourable Sirkar (Government) and was ready from my Heart and Soul—Whatever may be your Pleasure, do it with your own Hands, I am your Slave. What Occasion can there be for this Guard?"

On the same Day he wrote another Letter to the Governor General, as follows: "I am the Servant of the Sirkar (Government) and am ready from my Heart and Soul in the Performance of your Orders, my Honour was bestowed on me by your Highness. It depends on you alone to take away, or not to take away, the Country out of my Hands. In case my Honour is not left me,

"how



“ how shall I be equal to the Business of the Sirkar ? Whoever, with his Hands in a supplicating Posture, is ready with his Life and Property, what Necessity can there be for him to be dealt with in this Way ?”

The Governor General in his Narrative states, That the apparent Despondency in which those Letters were written, made him think it necessary to give the Rajah some Encouragement ; and that he accordingly wrote him the following Answer.

Vide Narrative Y.

“ I have received your Two Arzees (Petitions) from the Hands of Mr. Markham, and understand their Contents. That Gentleman will wait on you in the Afternoon, and explain Particulars.—Let your Mind be at rest, and do not receive any Terror or Apprehension.”

To which the Rajah sent this Answer.

“ Your gracious Letter has been received, that made me acquainted with your Commands. Your Order, that in the Afternoon Mr. Markham will come to me, that I must not suffer any Apprehension to disturb me, but remain at Ease in my Mind. My Protector ! wherever you spread your Shadow over my Head, I am entirely free from Concern and Apprehension ; and whatever you, who are my Master, shall as such determine, will be right.”

D<sup>o</sup> Z.

The Governor General states, “ That he had prepared Mr. Markham's Second Instructions ; but before he could set out with them, Intelligence came, that large Bodies of armed Men had crossed the River from Ramnagur, and had proceeded to the Rajah's House. What follows is a Scene of such Horror, that it is with the greatest Reluctance I submit to the painful Duty of relating it.” For this Relation Your Committee refer to the Governor General's Narrative in the Appendix, N<sup>o</sup> 1. A a.

D<sup>o</sup> A a.

The Governor General has stated, “ That these Instances of Contumacy and Disobedience (of Cheyt Sing's) criminal as they were in themselves, and aggravated by the extreme and known Distresses and Dangers of the superior State, to which he owed not only personal Fealty, but every voluntary Aid which all the Resources of his Zemindarry could contribute, appeared to me of less Consideration as such, than as they were Evidences of a deliberate and systematic Conduct, aiming at the total Subversion of the Authority of the Company, and the Erection of its own Independency on its Ruins ; this had been long and generally imputed to him,”

D<sup>o</sup> G.

Your Committee must observe, that they cannot perceive the Justice of these Conclusions ; they do not comprehend, how a very short Delay in Payment of an extraordinary Assessment, the Demand not warranted by Treaty, or not complying with a Requisition of Cavalry, when he was not bound by Treaty to perform any such Requisition, can be construed into Evidence of a deliberate and systematic Conduct, aiming at the total Subversion of the Authority of the Company.

Your Committee can conceive these Circumstances to have happened, without any Design whatever in Cheyt Sing to give Umbrage to the Administration of Calcutta : And indeed, succeeding Events have clearly proved it. There is no Record of the Governor General to shew his Apprehensions of Danger from this systematic Conduct, before he went on his Expedition to the Upper Provinces. In his Instructions from the Council, no Doubts of the Rajah's Loyalty are expressed, nor no particular Powers are given to guard the State against the Effects of his supposed Ambition. The Governor General is indeed intrusted “ with full Power and Authority to form such Arrangements with the Rajah of Benares for the better Government and Management of his Zemindarry, and to perform such Acts for the Improvement of the Interest which the honourable Company possesses in it, as he shall think fit, and consonant to the Mutual and actual Engagements subsisting between the Company and the Rajah.”

Appendix, N<sup>o</sup> 10.  
The Governor General's Credentials.

Your Committee are inclined to believe, that the Governor General could not then entertain the most remote Suspicions of Cheyt Sing's Intentions to subvert the Authority of the Company, and to erect his own Independency on its Ruins ; they are justified in this Opinion, by observing that the Governor General had taken no Precautions to guard against the Perfidy, Treachery, or open Violence of this suspected Rebel. Had he then entertained those Sentiments which he has since expressed, his Conduct must have been the compleat reverse—instead of entering Cheyt Sing's Provinces with a slender Guard, and thereby putting himself at the Mercy of the Rajah, Prudence would have dictated to him, not to advance until an Army had been assembled sufficient at least for the Protection of his Person : And if he really did entertain any such Apprehensions, his Duty to his Country required these previous Measures to have been taken ; for the Governor General has stated, that if such a Stroke as that which he supposes had been struck, (his being cut off by Cheyt Sing's Troops) it would have been considered “ as decisive of the National Fate ; that every State around it would have started into Arms against us, and every Subject of its own Dominion would, according to their several Abilities, have become its Enemy ;” and the Fate of the British Empire in India was connected with the Safety of his Person.

Vide Narrative G.

D<sup>o</sup> C c.

Your Committee observe the Governor General residing, with his Guard of 5 or 600 Men, in Benares, the capital City of Cheyt Sing (whose standing Force has been represented by Mr. Hastings to be 7,690, and who in a few Days was at the Head of 22,000 Men) and there exercising, in the most extensive Degree, the Powers of his Office, in degrading and dishonouring the Rajah, who quietly submitted to the Disgrace.—If the Rajah had ever entertained Designs

D<sup>o</sup> E c.  
D<sup>o</sup> F f.

hostile and inimical to the Company, scarce any other Coincidence of Circumstances could have given such an Opportunity to him of effecting his Views, as that which now presented itself at Benares; for, according to the Governor General's Doctrine, he might, by one spirited Exertion, have not only freed himself from Confinement, but rendered himself independent of all future Controll. The Rajah's Conduct, on this trying and tempting Occasion, does not appear to have been that of an enterprizing Chief, impatient under the Exercise of any kind of Superiority over him, and therefore resolved to aim at Independence whenever the Means of Attainment were in his Power; on the contrary, his Object was to escape from Confinement, and then to fly to his Forts, for Safety to his Person.

Vide Appendix,  
N<sup>o</sup> 4.

Notwithstanding the Governor General has supposed, (at a particular Period) that the Fate of the British Empire in India was connected with the Safety of his Person, Your Committee hope and believe, that the British Possessions in India are not held on so very precarious a Tenure as the Life of any Individual whatsoever, who happens to be immediately the first Member of the Government. The Powers of India, from their Intercourse with the Administration at Calcutta, are intimately acquainted with our Constitution, and the Nature of our Government, and of its respective Dependency on the Company, and on the Parliament. They consider the Governor General as the first Member of the State whilst he holds that Office, but that his Duration in it depends solely on the Orders of his Superiors in Europe. They are not ignorant, that if by any Accident his Life should be lost, or his Person made Captive, that until Orders shall arrive from England, all the Powers appertaining to the Office of Governor General would instantly, and of course, devolve on the next in Order of Succession; and that no Competition can arise concerning the Succession, since all the subordinate Ranks of the British Authority must transfer their Obedience, where by Law and Custom that Obedience was due; and that such is our Constitution, that the Death, Removal, or Captivity, of a Governor General, would make no other Difference in the Conduct of the National Affairs, than what would arise from the actual Difference of the Abilities or Integrity of him who made the Vacancy, and of him who succeeded to it.

This regular and established Mode of Succession to Power, so frequently confirmed by Practice, when opposed to the great Uncertainty of Succession amongst the Princes of India, has been a Matter of Admiration to the Natives of Indostan. There, Experience has frequently shown, that Succession to Government or Dominion neither depends upon hereditary Right, Priority of Birth, the Appointment of the late Possessor, the Election of the People, nor any other fixed or determinate Rule; but frequently on Points totally foreign and accidental. The actual Possession of the Treasury has frequently enabled a Competitor for Power to pay the Arrears of, or to bestow a Large sum upon, the Army; which Act has decided the Lot of Empire in his Favour, against all his Rivals for Dominion. The Death of a Soubah, Nabob, or Maha Rajah, opens a Field of Contention to different Interests, often betwixt Brother and Brother, Uncle and Nephew, or the several Chiefs of the Army; and these again opposed or supported by the Intrigues of the Seraglio; that to the Variety of Hopes and Expectations occasioned by such an Event, we may principally ascribe the frequent Murders and Assassinations in the Eastern World, while it has been seen, that the Fate of a Battle, or the Loss of an Empire, has solely depended on the Life of the Prince who commanded. But these Examples are solely confined to the Oriental Princes; they cannot be made applicable to the British Government in India; and our national Possessions in that Part of the Globe cannot possibly, in the Opinion of Your Committee, depend on the Life of any Individual, so long as the British Laws are held in due Reverence by British Subjects.

Vide Narrative G.

Notwithstanding the Governor General's Assertions, Your Committee discover no Part of Cheyt Sing's Conduct, previous to his Arrest, which can induce them to believe that he ever entertained the most remote Idea of intending to subvert the Authority of the Company, or to erect his own Independency on its Ruins; and although the Governor General states, that this had been long and generally imputed to him, yet Your Committee are at a Loss to conceive what the Governor General means to convey by such an Assertion: He cannot mean that the Council General imputed such Designs to him, because the Records of the Company are silent on this Point; nor could he himself, before he left Calcutta, suspect Cheyt Sing of such a Design, for Your Committee find no such Imputation expressed on the Consultations, when Instructions were framed for his Conduct towards Cheyt Sing at the expected Interview. That the very Suspicion did not then exist, cannot be more clearly manifested, than by examining Mr. Haltings's Instructions, extensive as they are, and more general than ought ever to have been granted, as he was invested "with full Powers and Authority to form such Arrangements with the Rajah of Benares for the better Government and Management of his Zemindary, and to perform such Acts for the Improvement of the Interest which the Company possesses in it, as he shall think fit, and consonant to the mutual and actual Engagements subsisting between the Company and the Rajah." Yet, they neither express or imply Suspicion of Cheyt Sing's Loyalty; on the contrary, Your Committee must remark, that Part of these Instructions is an irrefragable Proof of the Fidelity of Cheyt Sing, because they restrain the Governor General from adopting any Measure, not consonant to the mutual and actual Engagements subsisting betwixt the Company and him.

Vide Appendix,  
N<sup>o</sup> 10.

The Idea of the Zemindar of Benares having it in Contemplation to subvert the British Power in Bengal, and to erect his own Independency on its Ruins, is too chimerical to be seriously admitted

mitted even for a Moment. The House will recollect, that when Cheyt Sing is to be constrained by Force to make Payments which neither by Treaty or Justice we were authorized to demand, Two Battalions of Sepoys were thought a Force sufficient to send to his Capital, to effect that Payment; and they were found sufficient. When it is represented he had raised his regular Establishment from 7,600 to 40,000 Men, including all Descriptions, the British Force employed against these Numbers was trifling, compared to the General Establishment of our Army. Three Companies of European Troops, Four Regiments and a Battalion of Sepoys, with Six Companies of the Nabob's Body Guard (Sepoys) and a proper Train of Artillery, was the whole Strength employed in this Service. On the 15th of September 1781, in the Evening, these Troops began their March towards Cheyt Sing's Fortresses; on the 20th their Military Operations had been so successful against the Rajah's Forces, that the Governor General declares "the Allegiance of the whole Country restored as completely in the Course of a few Hours, from a State of universal Revolt, as if it had never departed from it."

Vide Narrative G g.

Do D d.

Do H h.

Major Crabb, who commanded one of the Detachments of the Army against Cheyt Sing, with Reputation to himself, has given Evidence to your Committee, that a single Brigade of the Company's Troops was more than sufficient to defeat Cheyt Sing, and complete the Reduction of his Country. This Evidence has been confirmed by the Fact itself; and the House will be enabled to form their Judgment, as well from the Strength of the Detachment actually employed as in the very short Time it required to complete its Object, namely the Reduction of Cheyt Sing's Country from universal Revolt to perfect Obedience, whether the Zemindar of Benares, formerly the Tributary of Oude, and now of Calcutta, was a Power capable of subverting the British Authority in Bengal, and of erecting its own Independency on its Ruins.

Appendix, No 11.

Major Crabb's Evidence.

Your Committee will only observe upon all the Governor General's Reasonings, References, and Appeals, that in great Matters which concern the State, there was one unerring Rule to follow; by that Rule the Company's Affairs have, till of late Years, been uniformly conducted; and whenever it is departed from, Suspicions will inevitably arise, that some secret Motives do exist, more than are presented to the public Inspection. The Governor General did not follow this Rule, for it does not appear that he assembled the Council (as was usual and customary upon all important Occasions), to enter into the Discussion of Cheyt Sing's Demerits, and then come to a formal Resolution, to be entered in the Consultations, of the Measures necessary to be adopted; such a Proceeding would have had the Merit at least of being regular, and according to the Rules and Forms of the Service, and in strict Obedience to the positive Orders of the Directors. The Company and the Nation would have had certain public Proceedings held, before the Indignity of the Arrest was committed, whereon to ground their Approval or Disapprobation; and, unless the Deposal of Cheyt Sing was a Measure absolutely pre-determined, before the Governor General proceeded to Acts of Violence, the Rajah might have been informed of the Extent of his Guilt, and of the ultimate Demands which the Government intended to exact from him as a Mulct for that Guilt. He would by such a Communication have had the Option at least of compounding for these supposed Offences; and it is not very difficult to decide what that Option would have been, betwixt Payment of a large Sum of Money, and retaining his Honour, his Dignity, and the Government of his Provinces; or the Deprivation of Honour, Wealth, and Territory, and himself to become a Fugitive from his Women, Children, Parents, Friends, and Country, and to seek an Asylum for his proscribed Person, wherever he could possibly find it, beyond the Reach of British Influence. The Governor General would himself have been relieved from the very painful and disagreeable Situation of being obliged (to avoid the Imputation of corrupt Motives) to make References to the Recollections of Men, whose Testimonies were to give Validity to what were his Intentions upon certain Points, previous to certain Events having taken place, and after a Lapse of many Months had happened.

Appendix, No 12.

Vide Narrative O, No 2.

Upon a full and mature Consideration of the Subject, it appears to Your Committee, That if Cheyt Sing had actually been guilty of those direct Charges of Delinquency made against him by the Governor General, that they were not Crimes of such a Magnitude, as could justify the Measures intended to be pursued against him, even before the Governor General left Calcutta; much less those he adopted after his Arrival at Benares. It has been stated, that Cheyt Sing had faithfully and punctually discharged his Tribute. Demands of extraordinary Aid had been made on him; these too he had discharged—perhaps reluctantly; and Your Committee will here observe, that if there was no Boundary of Right, on which the Rajah could make his Stand to the increasing Demands of the Governor General and Council, he could not be said to possess any Right or Property whatsoever. But it appears to Your Committee, that even those direct Charges of Delinquency, made by the Governor General against Cheyt Sing, are so far from being proved to be Delinquency, that Your Committee cannot discover any Part of the Rajah's Conduct, previous to his being made a Prisoner, which merits the Imputation of a Crime.

It is an Instruction from the House to this Committee, "to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the native Inhabitants may be best promoted."

Your Committee have investigated the actual Government of India under the present existing Laws;

Laws; and the Ninth Report contains, in Part, their Observations on this very material Head of their Instructions.

Vide Gov. General's  
Narrative, in  
Appendix, N<sup>o</sup> 1. O.

The Principles laid down by the Governor General, namely, "That the Company, possessing the Right of Sovereign, hold absolute Authority over every Rajah and Zemindar—That they owe a personal Allegiance, and an implicit and unreserved Obedience, to that Authority, at the Forfeiture of the Zemindary, and even of Life and Property, at the Discretion of those who hold, or fully represent, the sovereign Authority," deprives those Rajahs and Zemindars, who are the Princes and Nobles of the Land, of all their Rights. Your Committee have seen these Principles carried into Practice, to the compleat Ruin of a Rajah of the first Rank under the British Dependence.

An Event so extraordinary in itself, and of so much Consequence, not only to the suffering Party, but to every Tributary to the Company, whatever may be his Rank or Station, induced Your Committee to investigate the Subject with Precision; as well to acquire complete Information on this particular and very extraordinary Transaction, as with a View to framing some future Regulations for the better Protection of the Rajahs, Zemindars, and other Natives of India. From this Investigation, the following Conclusions may be drawn:

If the Consideration of public Services performed to our Nation by the Father, is required by a Violation of public Faith to the Son, upon Pretences the most frivolous—

If the solemn Faith of Treaty, which confirmed the Tributary in the actual Possession of his Lands, be no longer considered of sufficient Validity to protect him from Oppression or Extortion—

If the just, regular, and punctual Performance of all stipulated Conditions, is found to be no Kind of Security against new Claims and new Exactions—

If a Tributary of the Company is found to have no other Security for the Possession of his Lands, which descended to him from many Generations, but the arbitrary Will of the Governor General, or executive Government of the Country—

If the Possession of Wealth is to be considered as a State Crime, and heavy Fines and Penalties are to be laid on the Possessors, with a View of rendering their Power or their Wealth less dangerous to the Company—

If the Compliance with one arbitrary and unjust Demand, instead of securing the Tributary from further Oppression, is instantly followed by another Demand, so extravagant as to render a Compliance with it utterly impossible—

If Requisitions are made, unauthorized by any Stipulation in Treaty, and a short Delay intervenes before the Requisition is finally complied with, if such Delay is construed into Evidence of High Treason—

If Reports, unwarranted and ill-authenticated—if Suggestions of public Danger, and Imputations of evil Designs, ill-founded, improbable, and impracticable, are to be admitted as sufficient Grounds for commencing Hostilities—

If the Distress of the East India Company, from whatsoever Cause arising, should ever be considered as the smallest Justification of Measures which are cruel, unjust, and oppressive to the Natives of India—

If these Conclusions be just and well-founded,—Your Committee must observe, that no Situation can be more wretched and deplorable than the Tributaries or Dependants of the East India Company, whose Honour, Lives, and Fortunes are deemed solely dependant on the Discretion of the Servants of the East India Company; and they are of Opinion, that the Justice of Parliament ought not to delay Relief to those oppressed and unhappy Men, by passing some precise and positive Law, not only for the general Protection of their Persons, Honours, and Estates, but as the best Means to recover the national Reputation for Probity, Humanity, and good Faith, and to prevent the Nation from being brought into further Disrepute by a Repetition of such Acts.

Your Committee having finished their Observations on the Conduct of the Governor General, proceed to observe upon the Conduct of the Council General, so far as relates to their Approval or Disapproval of the Measures pursued by the Governor General against the Rajah of Benares.

Vide Appendix,  
N<sup>o</sup> 13.

The Minute of the Council General of the 14th January 1782, is entered at large in the Appendix, and is very particularly recommended to the Attention of the House. The Council General have supposed certain Objections to be made to the Conduct of the Governor General towards Cheyt Sing, viz.

" 1st. Where were the Governor General's particular Instructions for such extraordinary Demands upon Cheyt Sing?

" 2d. Why was that Chief put in Arrest, when he offered to make every Concession?

" 3d. Whether there was not a Compact between him and the Company, which specified that he was only to pay them a certain Annual Tribute?"

And it appears that the Council give their Opinion upon those Objections as follows:

" The Board think the Governor General was fully authorised by the general Tenor of his Instructions.

" The Governor General having a decided Vote, could have written out and approved more particular

“ particular Instructions. There was a Delicacy in the Mode he preferred, and it composed a greater Responsibility.”

“ In regard to the Second Question, it is evident from Cheyt Sing’s Answers and Preparations, and the whole Tenor of his Conduct before, and at the Time, that nothing but Arrest could have convinced him of the Governor General’s Determination.

“ That the Arrest was not intended to proceed further than the Payment of a proper Fine to the Company, who stood in the Place of his Sovereign and Benefactor, is evinced by the Governor General’s Answer to Cheyt Sing after his Confinement.

“ Had a total Revolution in the Administration of the Zemindarry been intended, the Arrest must have been effected with more Force and greater Marks of Severity.

“ That the Officers who went to execute this Service, were convinced that no Measure of determined Severity was intended against Cheyt Sing, appears from that unfortunate Want of Precaution which cost them and their Followers their Lives.”

“ The Third Question involves much Argument, yet is fully answered by that Part of the Governor General’s Narrative which discusses the Sunnud under which Cheyt Sing ruled the Province, and which was so liberally granted by the Company. The Correspondence with the Indian States, shews clearly their Ideas of the Rights of Zemindars and Rajahs, protected in their Zemindaries by superior Power. Had Cheyt Sing been an Ally and a Sovereign Prince, who paid only a fixed Subsidy, his Military Preparations, and his insidious Conduct under Pretences of Poverty, in disappointing the Expectations of the Government for the Army under Major Camac, justified, together with his Correspondence with our Enemies, the severest Exaction of Aid to assist the Company in their Distresses, and to atone for his Ingratitude and Treachery to a Power who protected him, and to whom he owed his Situation.”

As Your Committee can suppose, the Answers which the Council General have given to their own Questions, are the Grounds on which they have given their Approbation to the Governor General’s Conduct at Benares; and as these Answers are very far from being satisfactory to Your Committee, they have thought proper to examine them with some Degree of Attention.

Your Committee are of Opinion, that the Governor General was not justified in his extraordinary Demands on Cheyt Sing by the general Tenor of his Instructions; he was invested with full Power and Authority to form such Arrangements with the Rajah of Benares, for the better Government and Management of his Zemindarry, and to perform such Acts for the Improvement of the Interests which the Honourable Company possesses in it, as he shall think fit and *consonant to the mutual and actual Engagements subsisting between the Company and the Rajah*; but Your Committee admit, that if the Governor General had judged it either politic or prudent, to have been invested by the Council General with more particular Instructions, his own casting Vote would have decided that, or any other Question whatsoever. But if he had carried such a Question by such a Vote, then the Responsibility would have remained with him alone; whereas, by having communicated his intended Projects to Mr. Wheeler, and bespeaking his Support in the Measures he intended to pursue towards Cheyt Sing, and Mr. Wheeler having concurred in those Projects, by not having entered any Protest against them before they were carried into Execution, he thereby took upon himself a Share of the Responsibility.

Your Committee perceive nothing in Cheyt Sing’s Answers, that indicates any thing like a Desire to shake off his actual Dependence upon our Nation. As to his supposed Preparations, although there was an English Gentleman in a public Character constantly resident at Benares, Your Committee find no Complaints on this Head against the Rajah, previous to his Arrest. The whole Tenor of his Conduct, instead of being brought as Evidence against him, is the strongest Testimony in his Favour.

Your Committee will not pretend to decide, whether an Arrest of Cheyt Sing was the only Measure which could convince him of the Governor General’s Determination; but they are so far from thinking the Arrest of his Person was a necessary Measure, that they consider the Arrest itself as a manifest Ignominy inflicted on him, and done with a View to accomplish a most unjustifiable Exaction, of that which is called by the Council, *a proper Fine* for his (alleged) *Delinquency*.

Your Committee do not admit the Reasoning of the Council General—that if a total Revolution in the Administration of the Zemindarry had been intended, the Arrest must have been effected with more Force, and greater Marks of Severity. In Justice to the Governor General, it ought to be supposed, that he thought his actual Military Strength, or the ready Means of reinforcing that Strength, amply sufficient to effect the Purposes which he intended to carry into Execution.

The Council General have drawn Conclusions from the Neglect of a common Precaution in the Military Officers; and they assert, that this Negligence was a Proof that those Officers were convinced no Measures of determined Severity were intended against Cheyt Sing. By adverting to the Orders given to Mr. Markham, it will appear, that he was to repair to the House of the Rajah, with his (the Resident’s) usual Guard, and put him under Arrest, by Orders of the Governor General. In the Performance of this Duty, Mr. Markham was the executive Officer. His own Guard was to assist him in the Execution of this Order. In case of Refusal, he was to wait the Arrival of Two Companies of Grenadier Sepoys belonging to Major Popham’s Detach-

Vide Narrative 8.



Vide Narrative V.  
D<sup>o</sup> W.

D<sup>o</sup> A. a.

D<sup>o</sup> B. b.

ment, who were directed to follow and assist him in the Execution of the Service. It does not appear that the Subaltern Officer who commanded this Detachment, received any other Directions, than to march to the Rajah's Palace, and then to obey the Orders which he should receive from Mr. Markham. But the Rajah quietly submitted to the Arrest. Mr. Markham left the Rajah in Charge of Lieutenants Scott and Stalker, with Orders to "disarm all the Servants of the Rajah—to allow him any Eight or Ten of them for the Attendance of his Person—and "to indulge him in any Request consistent with the Security of his Person." He then returned to the Governor General; and so little Apprehension did he entertain, that any Rescue would be attempted, that he brought back with him his own Guard. Intelligence came soon after to the Governor General, that large Bodies of armed Men had crossed the River from Ramnagur, and had proceeded to the Rajah's House; and it now appeared (when Danger threatened) that the Detachment of Grenadiers had taken no Ammunition with them. Major Popham sent another Company of Sepoys, under an Officer, with Ammunition, to reinforce and support the first Party.

From this Detail, Your Committee are of Opinion, that the Conclusions drawn by the Council General, from the Negligence of the Officers in not carrying a Supply of Ammunition, cannot be considered in any Degree in the Light in which they have endeavoured to represent it in their Minutes upon this Subject.

The Council General think that "the Third Question involves much Argument;" but without entering into that Argument, they refer the Directors to the Governor General's Narrative for the Discussion of Cheyt Sing's Sunnud, under which he ruled the Province. Your Committee have fully shewn, not only what were the Rights of Cheyt Sing when he was the Zemindar of Sujah Dowla, but they have pointed out what was the Sense at that Time entertained by the Governor General of those Rights. The Council General add, "that the Correspondence with the "Indian States, shews clearly their Ideas of the Rights of Zemindars and Rajahs protected in "their Zemindaries by superior Power." Your Committee are at a Loss to know to whose Correspondence the Council General refer; and if it is their own, they are still equally uninformed where to find these clear Ideas of the Rights of Zemindars.

As Your Committee have made their Observations so fully on the Charges brought by the Governor General against Cheyt Sing, they will refer the House to that Part of the Report; and as they have already stated that the Military Preparations of Cheyt Sing were not imputed to him as a Crime by the Governor General and Council previous to his Arrest, so neither do they find that he stands charged, before that Period, with maintaining a Correspondence with the Enemy.

It appears to Your Committee, That if the Conduct of Mr. Hastings towards Cheyt Sing has been such as to merit the Approbation of this House, the Two Members of the Supreme Council, Mr. Wheeler and Mr. Mac Pherson, are entitled to their Share of that Approbation, by the unreserved Manner in which they have justified his Acts.—If, on the other Hand, the House shall be of Opinion, that the Proceedings against Cheyt Sing were unjust, oppressive, and contrary to Public Faith; those Members of the Council who approved those Proceedings, are implicated in the Criminality.

Your Committee thinking it necessary to examine Major Fairfax, who is lately arrived from Bengal, and who was at Benares at the Time the Governor General was there, as is mentioned in the former Part of this Report, have inserted his Examination in the Appendix, N<sup>o</sup> 15.









# A P P E N D I X

T O T H E

SUPPLEMENT TO THE SECOND REPORT

F R O M T H E

S E L E C T C O M M I T T E E .

---

1783.



---

# A P P E N D I X.

---

## N<sup>o</sup> 1.

### THE GOVERNOR GENERAL'S NARRATIVE OF THE TRANSACTIONS AT BENARES.

Edward Wheler, Esquire, &c. &c. and Council, Fort William.

Gentlemen,

I Have now the Honour to send you the Narrative, which I promised in my Letter, dated the 18th October, of the Transactions and Events which passed during the Course of the last Insurrection of this Province. I had begun it at the Time of the Date which I have prefixt to it; but the busy Scenes which followed, both while I was at Chunar, and after my Return to Benares, hindered me from prosecuting it till a few Days before the Date which I have subjoined to it. I did not chuse to alter the Introduction, although written at such a Distance of Time from that in which the Body of the Work was executed, and even from the Existence of the Events which are recorded in the latter, because I found it not easy to give it a new Form, without a total Omission of what had been already produced, while my Mind was animated by the recent and actual Scenes in which it was engaged, to an anxious and most feeling Solicitude, not more for the Issue of the impending Contest, than for its Consequences on my own Reputation. In the Consciousness of the Rectitude of my own Intentions, I had allowed myself to use an Appeal, the most solemn and the most sacred that could bind my Relation to Truth, or impress the Conviction of it on the Hearts of others; nor could I, consistently with my own Sense of its Obligation, withdraw it, or coldly place it after the Narrative already written, and written under the Check which I had imposed upon it. I know not whether I shall be clearly understood. If I am not, yet let this Endeavour to explain a seeming Impropriety in the Construction of this Performance, be accepted for its Apology.

I have only to add my Hope, that as I have received the most cordial Support in the past Events from you, my respectable and most respected Associates in the Administration, and as it has been my unvaried Study to prevent your suffering any Embarrassment from them, my Conduct in them may also receive its first Reward in the Testimony of your Approbation.

Benares,  
3<sup>rd</sup> December 1781.

I have the Honour to be,  
Gentlemen,  
Your most obedient, and  
most humble Servant.

Chunar, 1<sup>st</sup> September 1781.

In whatever Manner the Scene may close in which I am now engaged, the Calamities with which it opened, will not fail, on their first Impression, to influence in some Degree the Minds of all Men in forming their Judgment of it. In the following Narrative, if I can trust to my own Sentiments, or if those who shall read it will credit this Declaration of them, I shall let's study to efface that  
6  
Impression,

## A P P E N D I X, N<sup>o</sup> 1.

Impression, than seek to divest my Mind of all partial Biass, and to deliver all the past Transactions and Occurrences with the strictest and most faithful Regard to Truth; in which if I fail, I fail unknowingly: And may the God of Truth so judge me, as my own Conscience shall condemn or acquit me of intentional Deception.

A. The Motives and Objects of my Journey were various. With these, the Design of my Transactions at Benares had but a remote and secondary Connection. I left Calcutta on the 7th of July. *At Buxar, Rajah Cheit Sing paid me the customary Duty of Respect*, by advancing to that Place, which lay the nearest to the Boundary Line of his Zemindarry. *He brought with him a great Fleet of Boats, which, as I afterwards learned, were crowded with Two thousand armed and chosen Men.* This Circumstance was noticed by many of the Gentlemen who accompanied me, and was certainly a Deviation from the established Rules of Decorum, not only such as are observed from Vassals to their Superiors, but even such as pass between Equals. An Instance of this will be remembered by many to have happened at Benares in the Year 1773, in the Meeting which took place there between the late Vizier Suja ul Dowla and myself. He had left his Capital with a large Retinue, but hearing that I came unattended, he dismissed his Followers, and met me with a State as humble as mine.

B. I received the Rajah with Civility, and without any Expression of Displeasure. I left Buxar the next Morning, and received a second Visit from the Rajah in my Boat. After a short Space he desired to speak to me in private. The Particulars of our Conversation I do not exactly remember: I can only relate the Substance of it. He professed much Concern to hear that I was displeased with him, and Contrition for having given Cause for it, assuring me that his Zemindarry, and all that he possessed, were at my Devotion; he expressed his Fears of Cossaun Sing, who had been some Days in my Suite, and of the Intrigues of his Relations; and he accompanied his Words by an Action either strongly expressive of the Agitation of his Mind, or his Desire to impress on mine a Conviction of his Sincerity, by laying his Turban on my Lap. I replied, that I had not seen Cossaun Sing, nor concerned myself about him, nor should I descend to be a Party in his Family Disagreements; that my Business was with him, and with him only; that what he had heard, or might have conjectured, of my Displeasure, was true: And I entered into a full Discussion of the Causes of it; that I had been already once deceived by his Oaths and Protestations, and should not suffer my Purpose to be changed, or my Duty to be overruled, by any verbal Concessions or Declarations, which were made with little Cost, and for the Observance of which I had no Pledge nor Warrant to credit them. He pleaded his Inability to answer my Charges against him, admitted that he was in every Respect faulty, but desired that I would forget the past, and form my Opinion of him on his future Behaviour. I declined any further Conversation upon the Subject, and he took his Leave.

C. *As the preceding Conversation was accidental, and made no Part of the Plan which I had concerted in my own Mind for my Conduct with the Rajah, I kept no Minute of it, nor should have thought it deserving of a Place in this Narrative, but for the Weight which he has since given to it, and that it might be imputed to me as a designed Suppression, if I made no Mention of it.* I shall proceed to relate the Subjects to which it alluded, and add the Purposes which I had in Contemplation concerning them.

D. On the first Intelligence of the War with France in July 1778, it was resolved in Council, that Rajah Cheit Sing should be required to contribute an extraordinary Subsidy for the Expence which this new Exigency had imposed on our Government; and the Sum was limited to Five Lacks of Rupees for the current Year. After many Excuses and Protestations of Inability, he at length consented, with a very ill Grace, to the Payment, and with a much worse discharged it. The next Year the same Demand was repeated, and he attempted in like Manner to elude it, affecting to borrow Money in small Sums, and to sell his Plate and Jewels, to raise it; nor was it paid at last, till he had reduced the Board to the Extremity of ordering Two Battalions of Sepoys to the Neighbourhood of Ramnagur, and quartering them upon him, with their Pay charged to his Account, until the whole Payment was completed.

Early in the following Year, about the Month of May, he deputed Lalla Saddamund, who was his Buxey, and the confidential Manager of his Affairs, on a private Commission to me, to solicit my Forgiveness of his past Conduct, and to give me Assurances, confirmed by Oath, of his future Submission to the Orders of my Government, and Compliance with my Advice. I accepted his Excuses, and promised him an Oblivion of all that had passed exceptionable in his Conduct, and my future Protection, and every good Office in my Power, so long as he adhered to his Professions, requiring only, as the Pledge of their Sincerity, that he would immediately notify his ready and unreserved Consent to the Demand which would be made upon him, this being the Period for it, of the Subsidy for the current Year, and that he would use no Delay in discharging it. I at the same Time explained to Saddamund, the Nature of the Demand; its Conformity to the Customs of all States in Times of extraordinary Emergency; and assured him, that though he must expect a Repetition of it every Year so long as the War lasted, yet it could not be justly drawn into a Precedent for exacting an Increase of his regular and stipulated Rent; and, so far as it could depend upon me, I gave him the strongest Assurances, and I believe very solemn Affirmations, that it should not. Saddamund vowed the fullest Obedience on the Part of his Master; the Demand was accordingly made; and the Rajah answered it with a liberal and unreserved Declaration of his Acquiescence. I expected the immediate Payment of the whole Sum, according to his Promise, and I placed a Reliance upon it so far as to destine the Appropriation of it to the



# A P P E N D I X, N<sup>o</sup> i.

Support of the Detachment which was then acting in the Province of Malva, under the Command of Lieutenant Colonel Camac, not apprehending any Policy which could warp him from the strong Obligation of such an Engagement, and from the evident Interest which he had in fulfilling it. I was mistaken. The First Payment was made in different Periods in the Course of a Month, amounting to about a Lack of Rupees; and there, as I recollect, he stopped, and even defended to the Meanness of writing to solicit the Forbearance of the Remainder, that it might be included in the regular Payments of the ensuing Year which was then approaching. I am not possessed at this Time of the Materials for ascertaining the Dates of the Demand, and of his Letters\* written in Acquiescence of it, nor the Dates and correspondent Sums of the subsequent Payments; but I desire that these may be inserted by the Secretary, as a Note to this Page of the Narrative. *It is sufficient to say that the Demand was made, and the whole Payment consequently due, in July; that it was not until the Month of October, nor until the same Constraint was practised to compel his Obedience as had been used in the preceding Year, by an Order for the Advance of Two Battalions of Sepoys for that Purpose, that the Balance of the Subsidy, which was Two Lacks and a Half of Rupees, was discharged. In the mean Time, the Resident received an Order from the Board to remit the Money as he received it, by Bills, to the Paymaster of Lieutenant Colonel Camac's Detachment; but these, from the Lateness of the Receipts, were not sent until the Detachments had suffered the Extremity of Distress from the Want of Money, and very great Desertions; all which Calamities I charge to Rajah Cheit Sing's Account, as it is certain that my Reliance on his Faith, and his Breach of it, were the principal Causes that no other Provision had been made for the Detachment, and that it suffered such Want in consequence.*

It is with the greatest Tenderness that I recur to the past Diffentions in our Government; but I am compelled to it on this Occasion, for the Elucidation of the Conduct of this Man; which had the Appearance of being invariably guided by the Reports which were made to him of the State of my Influence: When he deputed his Buxey Saddanund to me, in the Manner which I have mentioned, an apparent Harmony had taken place in our Councils, with the general Expectation of its being permanent. The Powers of our Government whenever united, and if I may use the Term, consolidated, by such an Event, will ever recover the Respect which is due to them, especially from those who have rendered themselves obnoxious to its Terror. The Subject which produced the subsequent Contest between Mr. Francis and myself, originated a little before the Departure of Saddanund from the Presidency, but was not perhaps either generally known, or known to have grown into a decided Breach, till the latter End of July. A Reference to the Proceedings of that Period will prove the Grounds of this Supposition. It was the prescribed Duty of Cheyt Sing's Vackeels in Calcutta, to furnish him with every little Anecdote which bore any Relation to the State of our Government. I believe, that the deliberate Manner in which he made the First Payment of the Subsidy of that Year, was dictated by the Doubts suggested of the Firmness of my Authority; and I am morally certain, that his subsequent Excuses and Delays in the Payment of the Residue of the Subsidy, were caused by the Belief that I was no longer able to enforce it; and possibly, for such was the Report, that a few Months would close the Period of my Administration altogether. That I had his solemn Promise, in the Manner which I have recited, to pay the Subsidy, I as solemnly affirm; and his Letter, assenting to the Payment, which is recorded on our Consultations, is a strong presumptive Evidence of it: And that he evaded the Performance of his Promise; that he attempted, to the utmost of his Power, to elude it altogether, is also proved by the Record of the Dates of the different Payments; the Minutes of the Board relating to them; and the Order of the Board for the March of a Detachment for the Purpose of compelling him to perform it. That this Order had a principal Effect in bringing him to a Compliance, I believe; but I also attribute a Share of it to the approaching Departure of Mr. Francis, which was publicly and generally expected.

I owe it in Candor to the Gentleman whose Name I have reluctantly repeated in this Digression, to obviate an Inference which might otherwise be unwarily drawn from it, by declaring, that I mean not, by the most distant Hint, to impute any Part of this Policy to him, and in my Heart do totally and deliberately acquit him of any Concern in it, however, in the Resentment of instant Disappointment, I may have suffered my Mind to catch such a Suspicion; although I believe that if I have, it has been sacredly confined to my own Breast.

This was the First direct Charge which I had to prefer against the Rajah. The Second was similar in its Quality and Principle. On the 2d of the Month of November 1780, a Resolution passed the Board, That a Letter should be written to the Nabob Vizier, advising him to require from the Nabob Fyz Oulla Cawn, the Number of Troops stipulated by Treaty, expressed, as it was then understood to be, 5,000 Horse; and that the like Demand should be made on Rajah Cheyt Sing, for all the Cavalry in his Pay which he could spare for our Service. At that Time we stood in need of every Aid that could be devised, to repel the multiplied Dangers which surrounded us. The Rajah was supposed to maintain a very large and expensive Standing Force, and the Strength of his Cavalry alone was estimated at Two thousand. I had formerly experienced their Utility in the War with the Seneasses, in which they were successfully employed, and liberally rewarded. The Demand was formally made, both in a Letter from myself, and in Person by the Resident, Mr. Forcke, in the easy and indefinite Terms mentioned above. His Answers were evasive, pleading (as I recollect, for I am not in Possession of them) the Scantiness of the Establishment, its Employment in enforcing the Collections, and the Danger of these failing if the Detachments were withdrawn. At length a more peremptory Order was sent to him, and repeated by the present Resident Mr. Markham. The Number required was 2,000, and afterwards reduced to the Demand of 1,500, and lastly to 1,000, but with no more Success. He offered 250, but furnished none.

\* Dem  
Sect Conf. 22d J  
Acquiescence, 61  
Letter from the 1  
21st July.  
Public Conf. 7d  
1780.

E.

Dates of Pay:  
30th July 1780  
31st —  
3d August —  
5th —  
20th September  
24th —  
18th October  
20th —

F.

G. *These Instances of Contumacy and Disobedience, criminal as they were in themselves, and aggravated by the extreme and known Distresses and Dangers of the Superior State, to which he owed not only personal Fidelity, but every voluntary Aid which all the Resources of his Zemindary could contribute, appeared to me of less Consideration as such, than as they were Evidences of a deliberate and systematic Conduct, aiming at the total Subversion of the Authority of the Company, and the Erection of his own Independency on its Ruins. This had been long and generally imputed to him. It was reported that he had inherited a vast Mass of Wealth from his Father Bulwant Sing, which he had secured in the Two strong Fortresses of Bedjeygur and Luteefpoor, and made yearly Additions to it; that he kept up a large Military Establishment both of Cavalry, of disciplined and irregular Infantry, and of Artillery; that he had the above and many other Fortresses, of strong Construction, and in good Repair, and constantly well stored and garrisoned; that his Aumils and Tenants were encouraged and habituated to treat English Passengers with Inhospitability and with Enmity; that he maintained a Correspondence with the Marattas, and other Powers who either were or might eventually become the Enemies of our State; and if the disaffected Zemindars of Fyzabad and Bahar were not included in the Report, which I do not recollect, we have had woeful Proof, that there was equal Room to have suspected the like Intercourse between them; and lastly, that he was collecting, or had prepared, every Provision for open Revolt, waiting only for a proper Season to declare it, which was supposed to depend either on the Arrival of a French Armament, or on a Maratta Invasion.*

This Design had been greatly favoured by the unhappy Divisions of our Government, in which he presumed to take an open Part. It is a Fact, that when these had proceeded to an Extremity bordering on civil Violence, by the Attempt to wrest from me my Authority, in the Month of June 1777, he had deputed a Man named Sumboonaut, with an express Commission to my Opponent, and the Man had proceeded as far as Moorshedabad, when hearing of the Change of Affairs which had taken place at the Presidency, he stopped, and the Rajah recalled him.

It may perhaps be urged in favour of Rajah Cheir Sing, that he was justifiable by the Principle of good Policy, in seeking a State of Independency; that we had no natural Right to his Vassalage, having acquired it, with all our other Rights of Dominion, by no other Charter than the successful Spirit of Enterprize. Were this truly the Case, it would reduce the Relation between us to the primitive Law of Nature, and it would be equally incumbent on us, on that Ground alone, to use every Means to confirm and perpetuate his Subjection, as it would be allowable in him to emancipate himself from it. But something more, I apprehend, was due, both as a political and even moral Obligation, from him.—His Father, Bulwant Sing, derived the Degree of Independency which he possessed during the latter Period of his Life, from the Protection and Intervention of our Government. His Son, Cheyt Sing, obtained, from our Influence exerted by myself, the First legal Title that his Family ever possessed of Property in the Land, of which he till then was only the Aumil, and of which he became the acknowledged Zemindar by a Sunnud granted to him by the Nabob Sajah Dowlah, at my Instance, in the Month of September 1773. On the Succession of the Nabob Assof o Dowlah, the Rights of Sovereignty which were held by him over the Zemindarry were transferred by Treaty to the Company. Those Rights were indisputably his, and became, by his Alienation of them, as indisputably the Company's; and every Obligation of Fidelity and Obedience which is due from a Zemindar to the superior Magistrate, by the Constitution of Hindostan, became as much the Right of the Company from Cheyt Sing, as they had been due to his former Sovereign, with the additional Ties of Gratitude for the superior Advantages which he was allowed to possess with his new Relation. The unexampled Lenity of our Government, in relinquishing to him the free and uncontrolled Rule of his Zemindarry, subject to a limited Annual Fine, and the Royalties of the Mint, Administration of Justice, and Police, ought to have operated as an additional Claim on his Fidelity; but evidently served to stimulate his Ambition, and perhaps to excite in his Mind an Opinion that he possessed an inherent Right of Self-dependency.

I considered Cheyt Sing as culpable in a very high Degree towards our State, and his Punishment, of which I had given him frequent Warnings, if he did not amend his Conduct, as an Example which Justice and Policy required, equally for the Reparation of the Wrongs which its Dignity had sustained, and for the future Preservation of its Authority. I was resolved to draw from his Guilt the Means of Relief to the Company's Distresses, and to exact a Penalty, which I was convinced he was very able to bear, from a Fund which I was also convinced he had destined for Purposes of the most dangerous Tendency to the Company's Dominion. In a Word, I had determined to make him pay largely for his Pardon, or to exact a severe Vengeance for his past Delinquency.

Those who have been accustomed to regard Cheyt Sing as a Vassal or tributary Prince, may revolt at the Idea of treating him with such Indignity, and call it an Oppression; they will suppose nothing due from him to the Company, but the Payment of his stipulated Tribute, and that the Pledge of his Exemption from every other Claim: I suspect too, that the Deeds which passed between him and the Board, on the Transfer of his Zemindarry to the Company in 1775, are by many understood to bear the Quality and Force of a Treaty of optional Conditions between equal States. To such I reply, that such an Opinion is itself criminal to the State of which he was a Subject, and that he was himself amenable to its Justice, if he gave Countenance to the Belief. He paid no Tribute to the Company, but a fixed annual Rent. The Deeds by which he held his Zemindarry, and the Company their Claim to their Portion of its Revenue, were a Sunnud or Grant, and a Potta or Lease, executed on the Part of the Company; and a Cabuleeat or Agreement, and Kistbundee or Account of Payments to be made by Installments, on his Part. These, excepting the special Privileges allowed to the Rajah, of the Mint, the Cutwallies of Benares and Jowanpoor, the Fowjdarree and Aumeeny; that is so far as they relate to the Zemindarry

darry alone; are drawn precisely in the same Forms as Instruments of the same Denominations interchanged with the Zemindars of Bengal. I refer to the Instruments themselves, which will make a Number in the Appendix to this Narrative; in which it will be seen on how different a Tenure, and how infinitely below Independency, he really held his Zemindarry. The Sunnud and Cabuleeat are Counterparts of each other; the former prescribes the Revenue which was to be paid, and the Duties which were to be performed, as the Conditions on which the Rajah was confirmed in the Possession of his Zemindarry; and of these Conditions the Cabuleeat is a Pledge or Engagement for the Performance. In the first, the "Government and Sovereignty" of the Zemindarry transferred by the Nabob Affof o'Dowla to the Company, are stated as the Basis of it: The Zemindarry is confirmed to him: A strict Observation and Execution of the Duties incumbent on him, "to behave with Moderation and Kindness to the Reyats and People; to promote the Cultivation and Encrease of the Inhabitants and Produce of the Lands; to preserve the Peace, and punish the Disturbers of it;" and to pay a yearly Rent of 23,40,249 Mahidar Rupees in monthly Payments, agreeable to the Kistbundee; are most strictly and positively commanded and enjoined; and the Officers of the Zemindarry are commanded to regard him as the Zemindar, "and to acknowledge his Authority in the several Acts appertaining thereunto." I must observe, that in the Translation of the Sunnud, the yearly Revenue is in one Place, through the Negligence of the Translator, expressed by the Word "Tribute;" but it is not on the Translation, nor on the Will of a Translator, that the Rights of the Company depend. I affirm the Word to be false, as it is inconsistent with the proper Term "Revenue," immediately following in the same Translation, and with the same Term "Revenue" occurring in the Translation of the Cabuleeat or Agreement.

The Cabuleeat also sets off with stating the Company's Sovereignty as the Basis of the Agreement, and acknowledges the Grant made by the Company to Rajah Cheit Sing of the Zemindarry, and other Privileges recited in the Sunnud: And it proceeds to express, that "it shall be his Duty to do every Thing that may be needful and usual for the Interest and Security of the Country, to provide for the Welfare of the Inhabitants, to be attentive to the Encrease of Cultivation and Improvement of the Revenue, "to use his Endeavours to expel Robbers, &c. and to pay the annual Revenue of Government" in the Manner prescribed by the Sunnud.

To obviate Misapprehensions, I think it proper to remark, that in the above Recitals I have abridged the Text, where it was too prolix and involved for literal Quotation, and given the Substance in the closest Sense of it; but where I have used the original Words of the Translations, I have marked them with inverted Commas as such. The Copies in the Appendix will shew with what Fidelity I have conformed to the Text in both Instances.

I have dwelt with a greater Strefs and with a more minute Exactness, on the foregoing Subject, because it is on this Point that the Justice and Propriety of my Conduct must wholly turn. If Rajah Cheit Sing possessed the Zemindarry of Benares in his own Right, and with an inherent and exclusive Authority; if he owed no Allegiance to the Company, nor Obedience beyond the Payments of a stipulated Tribute; I am liable to Condemnation for exacting other Duties from him, and for all the Consequences of that Exaction; and he is guiltless: But if *the Company, possessing the acknowledged Rights of his former Sovereign, held an absolute Authority over him; if in the known Relations of Zemindar to the sovereign Authority, or the Power delegated by it, he owed a personal Allegiance and an implicit and unreserved Obedience to that Authority, at the Forfeiture of his Zemindarry, and even of his Life and Property, at the Discretion of those who held or fully represented the sovereign Authority; if in Corroboration of the general and implied Obligation, he was bound to it by written Engagements and specific Conditions; I am warranted in my Assertions of the Rights of Government, which were fully and wholly delegated to me; and he alone is responsible for his Opposition to them, and for all the Consequences which have attended that Opposition.*

O. N<sup>o</sup> 1.

Whether I have exercised the Power vested in me with Justice and with Moderation, will appear from the preceding Relation, and the following Parts of this Narrative.

Before I quit this Digression, I must further trespass on the Patience of the Board, and of those for whose Judgment it is ultimately written, by a more pointed Application of the above to my own personal Conduct and Character.

I will suppose for a Moment that I have erred, that I have acted with an unwarranted Rigour towards Cheit Sing, and even with Injustice. Let my Motive be consulted. I left Calcutta impressed with the Belief, that extraordinary Means were necessary, and those exerted with a strong Hand, to preserve the Company's Interests from sinking under the accumulated Weight which oppressed them. I saw a political Necessity for curbing the overgrown Power of a great Member of their Dominion, and to make it contribute to the Relief of their pressing Exigencies. If I erred, my Error was prompted by an Excess of Zeal for their Interests, operating with too strong a Bias on my Judgment. But rare are the Instances in which the Judgment suffers the Bias of such an Operation; and much stronger is the Presumption, that Acts, prompted by an unmixed Attention to the Public Interests, are founded on just Principles, than that they are the Result of a misguided Judgment.

*Possibly it may be suspected, and may God forgive those who know me, and countenance the Suspicion; I have no Title to an Exemption from it with others; that I was influenced by a secret and mercenary Interest. I have heard of the Practice of holding out the Terrors of Authority, and the Denunciations of Disgrace, Dismissal, and War, as the Instruments of private Rapacity. Though the Charge, if true, is capable of positive Conviction, yet I know of no direct Evidence which*

O. N<sup>o</sup> 2.

## A P P E N D I X, N<sup>o</sup> 1.

could refute it, were it were false; for no Man can be conscious of the Reccesses of another's Mind. I can therefore only offer such presumptive Proof of my Intention, as the Nature of it will admit, and Accident has provided. These are my own early and confidential Declarations, and the Attestations of those to whom they were made. In a Point of such public Moment, independently of the near Interest which I have in establishing the Truth of it, Mr. Wheler will pardon my Appeal to him, although in one Light it may tend to involve him in a Participation of the Reproach of those who may regard every Severity shewn to Cheit Sing as criminal, however founded. He will doubtless recollect the Conversation which I had with him on the Subject, on the Eve of my Departure from Calcutta; our mutual Opinion of Cheit Sing's past Conduct; mine, of the Justice and Policy of exacting an exemplary Punishment for it, by a large pecuniary Mulct; the Sum to which I then declared my Resolution to extend it; my Conviction of his Ability to pay it; and the Two Alternatives on which I had resolved, if he refused to submit to it. He will also remember, that I bespoke his Confidence in the Means which I should use for this End, and his Support in the Issue of them. I entreat him to give me his formal and circumstantial Attestation of these Facts, and that he will permit it to be inserted in this Part of my Narrative.

Mr. Wheler.

I have the Pleasure to comply with the Governor General's Request, and will cheerfully record, in this Place, what I at present recollect to have passed between us, at the Time and on the Circumstances which he mentions.

I well remember, that on the Eve of the Governor General's Departure from Calcutta, the Conduct of Cheit Sing, late Rajah of Benares, was a principal Subject of a confidential Discourse between us, and that he bespoke my Support of the Measures which he intended to pursue towards him.

The Rajah's Offences were declared to require early Punishment, and as his Wealth was great, and the Company's Exigencies pressing, it was thought a Measure of Policy and Justice to exact from him a large pecuniary Mulct for their Relief; the Sum to which the Governor declared his Resolution to extend the Fine, was Forty or Fifty Lacks; his Ability to pay it was stated as a Fact that could not admit of a Doubt; and the Two Alternatives on which the Governor declared himself to have resolved, were, to the best of my Recollection, either a Removal from his Zemindarry entirely; or, by taking immediate Possession of all his Forts, to obtain out of the Treasure deposited in them the above Sum for the Company.

After such an Appeal, it would be as superfluous as indelicate to call in the Aid of other Testimonies, if all that were required were no more than to ascertain that I did hold such a Conversation as that which I allude to with him. The Conclusion will be much strengthened by its Agreement with Declarations made by me on the same Subject, and nearly at the same Point of Time, to others. I shall therefore require similar Attestations from Major Palmer, my Military Secretary, and from Mr. Anderson, my appointed Assistant on this Deputation. With these References, and their Result, I shall make my last and solemn Appeal to the Breast of every Man who shall read this, Whether it is likely, or morally possible, that I should have tied down my own future Conduct to so decided a Process and Series of Acts, if I had secretly intended to threaten, or to use a Degree of Violence, for no other Purpose than to draw from the Object of it a mercenary Atonement for my own private Emolument, and suffer all this Tumult to terminate in an ostensible and unsubstantial Submission to the Authority which I represented? Whether it is likely, or morally possible, that I should have chosen to irritate the Feelings of my Colleague in Office, and expose myself to all the Effects of his Indignation, by so wanton and unnecessary a Deception; or lower my own Dignity and Character, and afford so base an Example to my Inferiors, by pretending to make them privy to Acts which I never meant to perform, and from which I could not depart with any possible Share of Reason, but the manifest Sacrifice of my Integrity. A Man actuated by such a Motive, and possessing the Trust which I held, would have used a Cover to his Venality; he would not have compromised himself by positive Declarations of what he would do, much less by detailing his Intentions in a Series of Trials, as they might successively fail; but would have been contented with distant and indefinite Intimations and Suggestions, which obviously left his Actions open to Enquiry and Variation, which could not subject him to the Imputation of Inconsistency, if they were productive of no Effect, and which he might use as Justifications, if his Artifices should chance to operate with the Effect ostensibly portended by them.

I now return to my Narrative.

P. I arrived at Benares on the Morning of the 14th of August; the Rajah some Hours later. I forbade his coming that Evening to my Quarters, as he had intended, and required him to defer his future Visits until he should receive my Permission, as I had some previous Matters to settle with him, of which he would be informed by the Resident, whom I should depute to him the next Morning for that Purpose.

My Narrative will be best continued, nor will the Thread of it be broken, by the following Copy of my Report of my Proceedings, and the Consequences which attended them, to Mr. Wheler, then the only effective Member of the Board.

## A P P E N D I X, N° 1.

To Edward Wheler, Esquire.

“ Sir,  
 “ I arrived at Benares on the 14th Instant. My Transactions with the Rajah being of a most  
 “ important Nature to the present and future Interests of the Company, I have determined to inform  
 “ you of them without Delay, in the Order in which they have occurred.  
 “ The first Step which I judged it necessary to take, as the Ground on which my future Pro-  
 “ ceedings with the Rajah were to be conducted, was to recapitulate in Writing the several Instances  
 “ of his Conduct, which for some Time past have repeatedly drawn upon him the severe Reprehen-  
 “ sions of the Board, and to demand a clear and satisfactory Explanation.  
 “ This Paper I sent to the Rajah, by the Hands of Mr. Markham, who was directed to require  
 “ an immediate Answer. Late in the Evening his Answer arrived. The following are Copies of  
 “ both.

“ N° 1. To Raja Cheit Sing.

“ It is about Sixteen Months since Lallah Saddanund, your Buxey and confidential Servant, came  
 “ to Calcutta, charged with an express Commission and Authority to make Excuses for your past  
 “ Conduct, and to give me Assurances, confirmed by Oath, of your future Submission to my Ad-  
 “ vice and the Orders of my Government. As a Test of your Sincerity, I required an immediate  
 “ and unreserved Acquiescence in the Demand, which at the same Time was made to you in the  
 “ Name of the Governor General and Council, of a Subsidy of Five Lacks of Rupees, for the Ex-  
 “ pences of the War. With this Demand you ostensibly complied in your Answer to my Letter;  
 “ and the Buxey promised me verbally, in your Name, and in Terms so strong as amounted to the  
 “ fullest Assurance, that there should be no Delay in the Payment. Relying on this Agreement and  
 “ Promise, I gave Orders to Mr. Fowke, who was then Resident at this Place, to receive the Mo-  
 “ ney, and remit it to Colonel Canac, for the Pay of the Army which had been ordered to march  
 “ towards the Province of Malva; and I made no other Provision for it, such was my Confidence in  
 “ your Faith. But you deceived me; and, after having made the First Payment of a few Rupees,  
 “ either consulting the Temper of the Times, or conforming to a premeditated Design, you, by  
 “ Shifts and Pretexs, withheld the Remainder, until the Army, for whose Use it was intended, was  
 “ reduced to the last State of Distress. Many Hundreds deserted, and, had an Enemy at that Time  
 “ appeared against them, their total Destruction had been inevitable. In all this Time daily Ap-  
 “ plication was made to you by the Resident, and I wrote repeated Letters to you; but you paid no  
 “ Regard to either. Besides this, I required, in the Name of the Governor General and Council, by  
 “ Letter, and ordered Mr. Fowke to repeat the Requisition in Person, that you should furnish a  
 “ Body of Horse to assist and act with the Armies of the Company; and when Mr. Markham suc-  
 “ ceeded Mr. Fowke, I gave him an Order to repeat the Demand, which he did accordingly, with  
 “ frequent and almost daily Importunity, limiting the Number to 1,500, and afterwards to 1,000:  
 “ To this Demand you returned evasive Answers, nor to this Hour have you contributed a single  
 “ Horseman.

“ I pass over other Instances of your Conduct, in which, through the Means of your secret Agents,  
 “ you have endeavoured to excite Disorders in the Government on which you depend; and your  
 “ Neglect of the Duty which you owe to it, and to the Subjects of this Zemindarry, by suffering  
 “ the daily Perpetration of Robberies and Murders, even in the Streets of the City of Benares itself,  
 “ to the great and public Scandal of the English Name, and in Violation of one of the Conditions  
 “ on which you received the Confirmation of this Zemindarry. But as the Two foregoing Instances  
 “ amount to a direct Charge of Disaffection and Infidelity to the Government on which you depend,  
 “ and happened at a Time in which it was your Duty more especially to have exerted yourself in the  
 “ Support of its Interest, I have therefore judged it proper to state them to you thus fully, and to  
 “ require your Answer to them; and this I expect immediately.

“ N° 2. From Rajah Cheit Sing to the Honourable the Governor General.

“ I received your Letter delivered to me by Mr. Markham, and I have understood every Parti-  
 “ cular of its Contents. Sir, after the Arrival of Shaick Ally Nucky, I observed all the Orders which  
 “ you sent me; and I received the Letter which the deceased Shaick brought me, informing me that  
 “ every Suspicion was now completely removed from your Mind, and that I must consider you, as  
 “ formerly, attentive to me. But I have not experienced from you the same Generosities as formerly.  
 “ I sent you, repeatedly, Letters representing to your Consideration my unhappy Circumstances; but  
 “ you never honoured me with any Reply. For this Reason I sent my Buxy Saddanund to your  
 “ Presence, enjoining him to represent to you the Firmness of my Obedience and Attachment, to  
 “ lay before you the Particulars of my Situation, and to learn the Disposition of your Mind towards  
 “ me. He arrived accordingly in your Presence, and represented every thing in a proper Manner.  
 “ I have never deviated in the smallest Degree from these Professions; and the Benefits and Civil-  
 “ ties



# A P P E N D I X, N<sup>o</sup> 1.

Q.

R.

“ lities with which you have honoured me, have given me the greatest Satisfaction; and I have considered you as the Source from which I derived the Fulfilment of all my Wishes and Desires. It is my firm Hope that I may be always favoured with your Directions. In this Manner I complied, with the utmost Readiness, with the Order you sent me for the Payment of Five Lacks of Rupees on account of the Expences of the War. I sent first One Lack of Rupees, with an Answer to your Letter; afterwards, having paid to Mr. Fowke the Sum of One Lack and Seventy thousand Rupees, I sent a Letter requesting a further Allowance of Time to enable me to make some Preparations. To this I received no Reply, it being no Time for Delay. Notwithstanding this, I was not a Moment inattentive to this Concern; and as soon as my Buxey arrived, I paid immediately the remaining Part of the Sum. *The remitting of this to the Army did not depend on me; if any Delay happened on this Head, I could not help it. If besides the Payment of the Money, the Remittance of it also to the Army had rested with me, a Delay of this Kind should not have happened.* I have enclosed in this Letter a Paper, specifying the particular Sums which have been advanced, with their Dates.

“ With respect to the Horse, you desired me in your Letter to inform you of what Number I could afford to station with you, and I sent you a particular Account of all that were in my Service, amounting to One thousand Three hundred Horse, of which several were stationed at distant Places; but I received no Answer to this. Mr. Markham delivered me an Order to prepare a Thousand Horse. In compliance with your Wishes, I collected 500 Horse, and as a Substitute for the Remainder, 500 Burkundasses, of which I sent you Information; and I told Mr. Markham they were ready to go to whatever Place they should be sent. No Answer however came from you on this Head, and I remained astonished at the Cause of it. Repeatedly I asked Mr. Markham about an Answer to my Letter about the Horse; but he told me he did not know the Reasons of no Answer having been sent. I remained astonished. With respect to the Sepoys, I received first an Order to station Two of my Companies, which I did; I was then desired to give a Tunkaw for the Payment of the Sepoys, and likewise to pay the Captain; which has been done every Month.

“ Excepting Abdullah Beg and his Attendants, none of my People, either Dependants or Servants, or others in any Shape connected with me, have ever gone to Calcutta. My Enemies, with a View to my Ruin, have made false Representations to you. Now that, happily for me, you have yourself arrived at this Place, you will be able to ascertain all the Circumstances relative to the Horse; to my People going to Calcutta; and the Dates of the Receipts of the particular Sums abovementioned. You will then know whether I have amused you with a false Representation, or made a just Report to you. I have given my Aumils most particular Injunctions, and have taken a Penalty Bond from them, that they shall keep no Thieves in their District. What Power have they to act otherwise? But if ever a Murder or Robbery is committed in the Country, I have been careful to impale or otherwise punish the Culprit. If a Person having committed a Delinquency should escape to some other Place, so as to elude all Discovery, in that Case I am helpless; but to the utmost of my Power I endeavour to fulfil your Orders. I have never swerved in the smallest Degree from my Duty to you. It remains with you to decide on all these Matters. I am in every Case your Slave. What is just I have represented to you. May your Prosperity increase.

“ Account of Five Lacks of Rupees advanced for the Expences of the War.

“ 1st. Shaabaun,	—	—	1,00,000	—	—
“ 29th. Ramzan,	—	—	1,70,000	—	—
“ 7th. Showul,	—	—	1,30,000	—	—
“ 18th. Showul,	—	—	1,00,000	—	—
			<hr/>		
			5,00,000	—	—
			<hr/>		

“ This Answer you will perceive to be not only unsatisfactory in Substance, but offensive in Style; and less a Vindication of himself, than a Recrimination on me. It expresses no Concern for the Causes of Complaint contained in my Letter, or Desire to atone for them, nor the smallest Intention to pursue a different Line of Conduct. An Answer, couched nearly in Terms of Defiance, to Requisitions of so serious a Nature, I could not but consider as a strong Indication of that Spirit of Independency which the Rajah has for some Years past assumed; and of which indeed I had early observed other manifest Symptoms, both before and from the Instant of my Arrival.

“ Under these alarming Appearances of the Rajah's Conduct and Disposition, I conceived myself indispensably obliged to form some immediate and decisive Plan for obviating their Consequences, and for the Preservation of the Company's Rights and Interests in this Zemindarry. To have left him in the full Exercise of Powers he had notoriously abused, and which it was to be apprehended he would employ to the most dangerous Purposes, was totally inconsistent with the Maxims of Justice and Prudence. To divest him entirely of the Zemindarry, though justifiable on the Grounds stated above, would have been attended with an Appearance of Severity, and might have furnished Ground for Constructions unfavourable to the Credit of our Government, and



## A P P E N D I X, N<sup>o</sup> 1.

“ and to my own Reputation, from the natural Influence which every Act of Rigour exercised on the Persons of Men who stand in elevated Stations, is apt to impress on the Minds of those who are too remote from the Scene of Action to judge, by any Evidence but of the direct Facts themselves, of their Motives or Propriety.

“ Thus circumstanced, and attentive to these opposite Considerations, I laid down the following Plan for my future Proceedings.

“ I first directed the Resident to repair to the Rajah, who resided at his House situated on this Side of the River, at the Distance of about Two Miles; and gave him the following Instructions.

“ N<sup>o</sup> 3. Mr William Markham, Resident at Benares.

S.

“ Sir,

“ It is my Order, that you proceed early To-morrow Morning to the House of Rajah Cheit Sing, with your usual Guard, and put him in Arrest. You will require his immediate Submission, informing him that you act under Orders given you by me; and in case of his Refusal, you will wait the Arrival of Two Companies of Sepoys belonging to Major Popham's Detachment, who are directed to follow and assist you in the Execution of this Service. Having secured the Rajah, you will keep him in your Custody until further Orders.

“ Benares, 15th August 1781.

I am, &c.

“ 10 at Night.

“ On the next Morning, Mr. Markham went, according to his foregoing Instructions, and was followed by Two Companies of Grenadier Sepoys, belonging to Major Popham's Detachment. The Rajah quietly submitted to the Arrest, and Mr. Markham returned to me with the following Letter from the Rajah, leaving him under the Charge of Lieutenants Stalker, Scott, and Simes. For the Particulars which passed in this Interview, I refer you to the following Report, which Mr. Markham delivered to me on his Return.

“ N<sup>o</sup> 4. Letter from Rajah Cheit Sing.

T.

“ *At this Time Mr. William Markham being come to me, has informed me that your Highness's Orders are, that I should remain under a Guard. My Protector! I before represented to you on board your Pinnace, that I was the Servant of the Honourable Company, and was ready from my Heart and Soul. Whatever may be your Pleasure, do it with your own Hands. I am your Slave. What Occasion can there be for a Guard?*”

“ N<sup>o</sup> 5. Report of Mr. Markham.

“ To the Honourable Warren Hastings, Esquire, Governor General; &c. &c.

“ Honourable Sir,

“ I this Morning, in obedience to your Orders of last Night, proceeded with a few of my Orderlies, accompanied by Lieutenant Stalker, to Shewalla Ghaut, the present Residence of Rajah Cheit Sing; and acquainted him, it was your Pleasure he should consider himself in Arrest; that he should order his People to behave in a quiet, orderly Manner, for that any Attempt to rescue him would be attended with his own Destruction. *The Rajah submitted quietly to the Arrest,* and assured me, that whatever were your Orders, he was ready implicitly to obey; he hoped, that you would allow him a Subsistence; but as for his Zemindarry, his Forts, and his Treasure, he was ready to lay them at your Feet, and his Life if required. He expressed himself much hurt at the Ignominy which he affirmed must be the Consequence of his Confinement, and intreated me to return to you with the foregoing Submission, hoping that you would make Allowances for his Youth and Inexperience, and, in Consideration of his Father's Name, release him from his Confinement, as soon as he should prove the Sincerity of his Offers, and himself deserving of your Compassion and Forgiveness.

V.

“ Nearly a Quarter of an Hour after this Conversation, Lieutenant Scott arrived with the Two Grenadier Companies of Major Popham's Detachment; to whose and Lieutenant Stalker's Care I left the Rajah, having given them the following Instructions: That they should disarm every *Servant of the Rajah's*; that they should allow him any such Eight or Ten Kistmutgars for the Attendance of his Person, as he should approve of; that these Men should be shewn to the Sepoys, lest any Deceit should be practised; but *that they might indulge him in any Request consistent with the Security of his Person.*

W.

“ I am

## A P P E N D I X, N<sup>o</sup> 1.

" I am returned to acquaint you with my Proceedings, and to receive any further Instructions which you may think necessary.

" Benares,  
" 16th August 1781.

" I have the Honour to be,  
" Honourable Sir,  
" Your most obedient,  
" humble Servant,  
" (Signed) W<sup>m</sup> Markham.

" As the Rajah in the above Letter had desired that Mr. Markham might be sent back to him, I was preparing Instructions for that Purpose, when I received another Letter from the Rajah, of which the following is a Translation.

### " N<sup>o</sup> 6. Letter from the Rajah.

X. " I am the Servant of the Sirkar, and am ready, from my Heart and Soul, in the Performance of your Orders. My Honour was bestowed on me by your Highness: It depends on you alone to take away, or not to take away, the Country out of my Hands. In case my Honour is not left me, how shall I be equal to the Business of the Sirkar? Whoever, with his Hands in a supplicating Posture, is ready with his Life and Property, what Necessity can there be for him to be dealt with in this Way?

Y. " From the apparent Despondency in which these Letters were written, I thought it necessary to give the Rajah some Encouragement, and accordingly wrote him the following Answer."

### " N<sup>o</sup> 7. Letter from the Governor General.

" I have received your Two Arzies, from the Hands of Mr. Markham, and understand their Contents. That Gentleman will wait on you in the Afternoon, and explain Particulars. Set your Mind at rest, and do not conceive any Terror or Apprehension.

" To this I received the following Reply :

### " N<sup>o</sup> 8. Letter from the Rajah.

Z. " Your gracious Letter has been received, and has made me acquainted with your Commands. You order, that in the Afternoon Mr. William Markham will come to me; that I must not suffer any Apprehension to disturb me, but remain at Ease in my Mind. My Protector! wherever you spread your Shadow over my Head, I am entirely free from Concern and Apprehension; and whatever you, who are my Master, shall as such determine, will be right.

A a. " At this Time I had prepared Mr. Markham's Second Instructions; but before he could set out with them, Intelligence came, that large Bodies of armed Men had crossed the River from Ramnagur, and had proceeded to the Rajah's House. What follows is a Scene of such Horror, that it is with the greatest Reluctance I submit to the painful Duty of relating it.—The Guard placed over the Rajah consisted of Two Companies of Grenadier Sepoys, as above-mentioned, from Major Popham's Detachment, commanded by the Officers already named, who were stationed in an enclosed Square, which surrounded the Apartment where the Rajah was. The Resident's Guard had returned with him. It now appeared that these Troops had taken no Ammunition with them. Major Popham sent another Company of Sepoys, under an Officer, with Ammunition, to reinforce and support the First Party. When the latter arrived at the Rajah's House, they found it surrounded, and all the Avenues blockaded, by a Multitude of armed Men, who opposed their Passage. The Minds of this tumultuous Assembly becoming soon inflamed, some of them began to fire upon the Sepoys within the Square; and immediately, as if this had been the concerted Signal, made an instantaneous and fierce Attack on the Sepoys; who, wanting their accustomed Means of Defence, were capable of making but a feeble Resistance, and fell an easy Sacrifice to the superior Numbers of their Assailants, who cut almost every Man of this unfortunate Party to Pieces. The Officers, it is supposed, were the first Victims to their Fury; but not until they had, by astonishing Efforts of Bravery, and undimmed amidst the imminent Dangers which surrounded them, involved a much superior Number of their Enemies in their Fate. In this general Report of them, all Accounts concur, though varying in Circumstances. I yield to my own Feelings, in bestowing this just but un-availing Tribute to these unhappy Gentlemen.

" In the Midst of this Confusion, the Rajah found Means to escape through a Wicket, which opened to a River, and the Banks being exceedingly steep in that Place, he let himself down, by Turbans tied together, into a Boat which was waiting for him, and conveyed him to the opposite Shore. Those who had effected his Escape followed him across the River in the same tumultuous Manner in which they had assembled, leaving the Party of our Sepoys which had last arrived, in Possession of the House. On the first Intelligence of this Commotion, I had directed Major Popham to repair immediately to his Camp, which was about Two Miles from the Resident's,

and

## A P P E N D I X, N<sup>o</sup> 1.

“ and at the same Distance from the Rajah's House, and to march instantly with the Remainder of his Detachment to the Support of the Party.

“ This Order was executed with all possible Expedition; but Major Popham arrived too late, and had the Mortification to be a Spectator of the Effects of a Massacre, which he could neither prevent nor revenge. He returned to me immediately, and made the following Report:

### “ N<sup>o</sup> 9. Major Popham's Report.

“ Consequent to an Order for the Detachment under my Command to proceed to the Support of the Grenadier Companies under the Order of Lieutenant Stalker, I carried it with as much Expedition as possible to Cheyt Sing's Palace, which I found to be entirely evacuated by the Rajah's People, who were already landed on the opposite Side of the River.

“ Of the Two Companies commanded by Lieutenant Stalker, very few remained alive, and the Majority of those appeared to be severely wounded. The Bodies of Lieutenants Stalker, Scott, and Simes, were lying within a small Distance of each other, shockingly mangled, and without any Signs of Life.

“ It may be necessary to observe, that Lieutenant Birrell was dispatched with One Company of Sepoys upon the First Rumour of the Rajah's coercive Intentions, but the Fate of the Companies which preceded him was decided prior to his being able to enter the Palace. There were, however, some of the Rajah's People, whom he effectually cleared it of. In his Attack he met with some Loss. My utmost Endeavours have hitherto proved insufficient to procure an exact Detail of the Killed and Wounded in this unfortunate Transaction. I thought it necessary to leave a Company with a Subaltern in the Palace.

“ Benares,  
“ 16th August 1781.

“ (Signed) W<sup>m</sup> Popham,  
“ Major.

“ I cannot learn with Certainty what is become of the Rajah; but the prevailing Report is, that he fled from Ramnagur, his usual Residence on the other Side of the River, in the Middle of the Night, and proceeded with his Zennana and Effects to Lutteefgur, a strong Fort of his, situate about Ten Miles from Chunar. He was accompanied by Sujah Sing, his Brother, and Mannyar Sing, a Relation and Son by Adoption of Rajah Bulwant Sing. He has also had the Precaution to take with him Ranny Goolabkooer, the Widow of Rajah Bulwant Sing his Father, her Son-in-Law Durgbijey Sing, and his Two Sons, his Grandsons. In them he possesses every Member of his Family who can have any Plea to dispute with him the Right of Inheritance from his Father, Rajah Bulwant Sing, if that were ever a Question; his Right to the Zemindarry being derived exclusively from Sunnuds, which his Father never possessed, but which were first granted to Cheit Sing by the late Vizier Sujah ul Dowlah, through the Influence of our Government, in 1773, and since repeated by similar Grants from our Government, when the Sovereignty was ceded to the Company by the present Nabob Asoph ul Dowlah.

“ I have made Choice of Bauboo Oosaun Sing, who held the Office of Dewan during several Years of the Life of Rajah Bulwant Sing, and for a considerable Period since the Accession of the present Rajah, to administer the Revenues and Government of this Country, in the Quality of Naib, until it can be determined to whom the Zemindarry may legally belong, and who may be in a Capacity to receive it.

“ To this Effect I have caused a Proclamation to be made through the City of Benares, and have notified it by circular Perwannahs to all the Zemindars and Aumils of the Zemindarry.

“ To enforce the Execution of these Acts, to maintain Tranquillity and Order in the Country, and protect the Inhabitants, I have ordered one Battalion of Sepoys from Chunagur, the Remainder of Major Popham's Detachment from Mizzapoor, and One Regiment of Sepoys from Dinapoor, to march immediately to Benares.

“ The Detail of these Proceedings shall be transmitted to you in a subsequent Letter.—I do not expect they will detain me here much beyond the Time I had prescribed to myself, which was about 7 or 8 Days.

“ I have the Honour to be, with the greatest Esteem,

“ Sir,

“ Your most obedient

“ humble Servant,

“ (Signed) Warren Hastings.

“ P. S. The Delay occasioned in copying this Letter, from its great Length, has afforded me an Opportunity of contradicting the latter Part of it; and I have now the Satisfaction to add, that Ranny Goolaub Kooer, together with her Son-in-law Durgbijey Sing, and his Two Sons, are safe at Benares.—I have this Morning received a Visit from Durgbijey Sing and his eldest Son, Mehipnarain.”

I have read over the preceding Letter with great Attention, but can find nothing in it, with the Advantage of recent and better Means of Information, to correct; nor do I know that it requires

## A P P E N D I X, N<sup>o</sup> 1.

quires a Comment. That which I am now about to make, may appear trivial, but I make it, as it impells me by its present Impression. The Rajah, in his Reply to the Charges which I had preferred against him, insists much on the many Letters which he wrote to me, praying to be dispensed from his Obedience to the Orders of Government, and my Neglect to answer them; and this Charge against me he repeats in a Manner not the most respectful. I do not know but it may be true. He had received positive Orders, and those had been repeated. It was his Duty to obey them, not to waste my Time with Letters of Excuse, to cavil with my Answers for Evasions, or with my Silence for Delays. His Vackeel was in daily Attendance on me, and knew my Mind sufficiently upon these Subjects; and what he knew, I am sure he wrote to his Master. As to his Plea of Inability to pay the Residue of the Subsidy "without Preparation," that is, without contriving the Means to raise the Money, after having sacredly promised the full and instant Discharge of it, it was as insolent, as we know too surely that it was most egregiously false.

It was truly reported that Cheit Sing, after his Escape from Showalla Gaur, immediately fled to Lutterpoor, taking his Family and his whole Force with him, except the ordinary Guard, which had been early appropriated in the Time of his Father, Bulwant Sing, under the Command of Gudgeraue Sing, who had the Title of Killadar, to the Charge of Ramnagur. This was a vast Pile of irregular, but massy Buildings, constructed of Stone, on the River Side, and within the Bed of the River. To its original Strength, Cheit Sing had added Two or Three small Bastions of Stone and Earth. A large Town had grown round it, which rendered the Approach to it suspicious; and the Intricacy of the Apartments and Passages of the Palace was such, that a cautious Officer would hesitate, under almost any Encouragement, to enter it. I had early Information, that it was in effect evacuated; and I believed it; but not being certain, I did not chuse to hazard a Repulse, nor had I a Force equal to any Operation of doubtful Success, much less of Enterprize. My whole Strength had consisted originally of Six Companies of Major Popham's Regiment, about Sixty Sepoys, which I had taken from the Garrison of Buxar, for the Protection of my Boats, and a few Men, who had been newly recruited, for the Resident's Guard; who had yet neither Arms nor Discipline. Of Major Popham's Regiment 82 Men had fallen in the Massacre of Showalla Gaur, and 92 were wounded. The whole Number of killed and wounded, of every Corps and Denomination was 205.

Every Circumstance of an Event and Time so critical to the present Existence, and the Permanency of the British Interests in India, will merit Notice in a Relation of this Kind. If Cheit Sing's People, after they had effected his Rescue, had proceeded to my Quarters at Mahdoodof's Garden, instead of crowding after him in a tumultuous Manner, as they did, in his Passage over the River, it is most probable that my Blood, and that of about Thirty English Gentlemen of my Party, would have been added to the recent Carnage; for they were above 2,000 in Number, furious and daring, from the easy Success of their last Attempt; nor could I assemble more than 50 regular and armed Sepoys for my whole Defence. *Let it not be thought, that I attribute too much Consequence to my own Person, when I suppose the Fate of the British Empire in India connected with it.* Mean as its Substance may be, its accidental Properties were equivalent to those, which, like the magical Characters of a Talisman in the Arabian Mythology, formed the Essence of the State itself; Representation, Title, and the Estimate of public Opinion. *Such a Stroke as that which I have supposed, would have been universally considered as decisive of the National Fate; every State around it would have started into Arms against it; and every Subject of its own Dominion would, according to their several Abilities, have become its Enemy.* What really passed approaching to such an Effect, from the sole Apprehension of such a Cause, more than warrants the Conclusion of what would have followed the Cause itself, had it existed.

The Effects of the first Consternation having subsided, a Number of Men, reputed 2000, returned to Ramnagur on the 18th, under the Command of Ramjeeawun, a confidential and domestic Chief of the Family.

The Remainder of Major Popham's Detachment, consisting of Four Companies of Sepoys, One Company of Artillery, and the Company of French Rangers, lay at Mirzapoor.

These were ordered to march immediately to Ramnagur. Lieutenant Colonel Blair was ordered to detach a Battalion of Sepoys from the Garrison of Chunar on the same Destination. It was intended, that as soon as these Corps had joined, and were properly equipped for Service, Major Popham should take the Command, and proceed against the Forces quartered in Ramnagur. I wrote an order express to Captain Blair, who commanded the Battalion from Chunar, commanding him to halt at a secure Distance from Ramnagur, and wait for further Orders; and Major Popham, whom I had afterwards vested with the Command in form, wrote a similar Order to Captain Mayaffre, the Officer commanding the Residue of his Detachment, with an additional Caution to avoid Hostilities, and attend to the Safety of the whole Party, of which, being the Senior Officer, he would have the Command till Major Popham assumed it. To ensure the Success of his Operations on that Side, he had chosen a convenient and open Plain on the Shore opposite to Ramnagur, for a Battery of Two Mortars, which were expected from Chunar; nor can there be a Doubt that a Place so peculiarly ill formed for such a Mode of Attack, and in no State of Defence against a wary Assailant, would have proved an easy Conquest. Unhappily, the ill-timed Ambition of a rash Individual defeated this Plan, and had nearly caused the Destruction of the whole Party. Captain Mayaffre, unwilling, as it appears, for no other possible Motive can be ascribed to so precipitate and irregular a Conduct, to lose the Opportunity which his present and casual Command afforded him, of acquiring a military Reputation,

Reputation, without Plan, without Enquiry, against the Advice of his Officers, and against Order; ordered the Detachment to march into the narrow Lanes of the Town, where they were opposed by the Fire of an Enemy surrounding them unseen, and the Party which entered were in an Instant annihilated, rather than defeated. Twenty-three Men of the Corps of Rangers, with their Commander Captain Doxat, who led the Attack, were killed, and Ten wounded; the 1st Battalion of the 6th Regiment of Sepoys, commanded by Captain Blair, which followed, lost 57 killed and 41 wounded. The whole Loss sustained in all the Corps was 107 killed and 72 wounded. Captain Mayaffre was killed. The Detachment instantly retreated. The Retreat appears to have been conducted by Captain Blair, and in a Manner that did him much Credit. The Enemy pursued with little Effect, their Numbers gradually lessening till the Detachment arrived within Four Miles of Chunar, which it regained the same Evening.

This unfortunate Affair happened on the Morning of the 20th of August.

I considered myself now as plunged in a decided War, and made every Provision both for its speedy Termination and for its Confinement to the Scene in which it had opened.

Orders were written, and dispatched in multiplied Copies, to the different military Stations, for Assistance; to the Resident of the Vizier's Court, for a Supply of Treasure; and to Lieutenant Colonel Blair, for an instant Reinforcement. The Detail of these Orders will be found in the Appendix. Very few reached their Destination, the Communication with every Quarter being intercepted, and all the Country in Arms against us; and our Emissaries, unused to this dangerous Service, either made Prisoners, or not daring to execute it, and secreting their Dispatches. Two of my Letters reached Colonel Blair, who ordered Captain M'Dougal, with the 2d Battalion of the 6th Regiment, to march on the next Day, which was the 21st, to Benares. I now passed an Interval, like that of a dead Calm preceding a violent Storm, and fraught with all the Symptoms of its certain Approach. Successive Notices were brought to me by various Channels, of Preparations making at Rannagur for an Assault on my Quarters, which stood in the Midst of the Suburbs of Benares, and consisted of many detached Buildings within one large Enclosure, surrounded by Houses and Trees, which intercepted every other Prospect. The whole Force which I had left, amounted to about 450 Men. The Report of an intended Assault, which was fixed for that Night, grew stronger as the Day advanced; the Boats on the other Side of the River were said to be in Motion; and, besides the moral Certainty of the real Existence of such a Design, the obvious Advantages which it presented to the Enemy, who had nothing left to fear, and nothing else to do, precluded all Hesitation but on the Choice of Expedients for defeating it: There were but Two; which were, to wait the Danger and try the Chance of repelling it, or to retreat to a Place of greater Security or of equal Advantage for the Encounter. The confined State of the Place, of which any Description will be insufficient to convey an adequate Idea, rendered the First Plan impracticable: We had not a Force sufficient to guard all the Defences of that Place, nor a Store for the Provisions of a Day even for that small Number: The only Arguments for it were, the Disgrace of a Flight, and the Consideration of our wounded Sepoys, whom it might leave at the Discretion of a merciless Enemy. The former Consideration yielded to the superior Weight of Necessity, the latter, to the Impossibility of protecting the wounded Men, in either Case, as they were quartered at the Distance of near a Mile from Mahdoodo's Garden, nor would it have been possible, in their Condition, and in the Multiplicity of pressing Exigencies which the Resolution to remain would have created, to remove them. Yet these Considerations held me suspended during the whole Course of the Day. In the Evening it became necessary to come to a final Determination, as the Delay of a few Hours might now preclude every Option. I consulted Major Popham; he declared the Defence of that Place impossible, and advised a Retreat to Chunar. There were other Field Officers with me: I asked for their Opinions separately; they clearly and unhesitatingly agreed in the same Advice. My Opinion had been determined from the Instant that I received the certain Information of Captain Mayaffre's Defeat. I had not yet received the News of Captain M' Dougal's March, nor any Answer to the Letters which I had written to Lieutenant Colonel Blair for a Reinforcement; nor could I know whether these had reached him. I yielded to the Reluctance of a few Minutes. My Resolution was taken, and declared, and Orders given to form our little Corps, that we might have Time to gain the open Country, before the Enemy, having Notice of the Design, could cross and attack us at the Disadvantage of the Streets, Lanes, and broken Ground, which we had to pass before we could reach it. These Orders were issued between Seven and Eight o'Clock, and by Eight the Line was in Motion, having been much retarded and impeded by an incredible Tumult of Servants, Palankeens, and Baggage of every Denomination, which for a Time threatened a total Obstruction to our March; fortunately, this enormous Mass took the wrong Road, which left the right with a free and undisturbed Passage for the Sepoys. On the Way we passed Captain M' Dougal's Battalion, about Nine o'Clock. We sent him timely Notice of our Movement, he turned and joined us. Early the next Morning we arrived at Chunar.

It is proper to mention, that as soon as I had formed my Resolution to leave Benares, I sent my Moonshy to the Nabob Saadut Ally Cawn, to inform him of it, and to recommend the wounded Sepoys to his Care; believing that the Rajah, from a Consideration of Policy, would not chuse to molest them, especially as he could have no Motive or Object to it but Revenge, if he would shew a determined Resolution to protect them. The same Request I made to him in Writing after my Arrival at Chunar. I owe him the Justice to attest, that he faithfully and liberally complied with my Request. He visited them himself, and furnished them with Provisions and with Money,



## A P P E N D I X, N<sup>o</sup> 1.

Money, and appointed native Surgeons to attend them; and, as they were able to bear it, he caused them all to be removed to his own Quarters.

Many Reports and Suspicions have prevailed of his being concerned in some of the Designs which were formed against us. I can neither credit nor refute them. The Evil imputed to him is at best doubtful: The Good which he did is certain, and he is entitled to the entire Merit of it.

I avail myself of this Repose in my Narrative to relate another Instance of private Merit in Beneram Pundit, the Vackeel or Minister of the Rajah of Berar, and his Brother Bisumber Pundit. These Persons had come to pay their customary Attendance at my Quarters, about the Time that the Line was already on the March. They immediately joined it. Some Time after I saw and spoke to them, expressing some Concern to find them in that Situation. They were on Foot, without a single Servant or Attendant. I suffered them to accompany me till we came to the Plain and halted. I then thanked them for the Proof which they had shewn of their Attachment, with which I was satisfied, and desired them to return, as they had a large Family in Benares, which would be exposed by their Continuance with me to the Repentment of Cheit Sing, and perhaps to the worst Effects of it, nor could by their Presence afford me any Service, which could repay what I myself should feel of Compunction for suffering them to be exposed to such Hazards. They refused me in a peremptory Manner, without Compliment, or the Ostentation of performing meritorious Service; and persisted, although I as peremptorily insisted on their Return. I then desired that the elder Brother, who was corpulent, and of a Constitution less equal to Fatigue, would return, and the younger only remain; but could not prevail. A few Days after my Arrival at Chunar, I casually mentioned to them my Distress for Provisions, which was occasioned principally by the Want of Money; for such was our total Loss of Credit, that we could not raise a Sufficiency even for the ordinary Wants of our small Detachment; and it was with great Difficulty, and a Degree of Violence, that Lieutenant Colonel Blair extorted from the Shroffs of Chunar, who had lived and grown opulent under the Protection of the Garrison, the small Sum of 2,500 Rupees, which was distributed among all the Sepoys, and afforded a satisfactory Relief. Beneram Pundit immediately, and with an Eagerness which belonged to his Character, told me that he had a Lack of Rupees in ready Money, lying in his House at Benares, which I might take, if I could find any Means to receive and convey it to Chunar; and the younger Brother advised, as the simplest Expedient, to send a Battalion of Sepoys for that Purpose, which could easily go and return without Interruption, as there were no Troops stationed near the Town on that Side of the River, offering to accompany it himself, and to bring away the Money. I rejected this Proposal for an obvious Reason, and preferred the Trial of the Means which the Shroffs are supposed to practise for the Conveyance of Money on such Occasions. I accepted a Draft on their Family for the Sum, payable to Cantoo Baboo, my Dewan, who had been left in Benares, and sent it inclosed in a Letter to him, with Directions to concert with Gopaul Doss the Means of conveying it to Chunar. This proved ineffectual. Cantoo Baboo could not be found. Gopaul Doss was seized (I forget at what exact Period of Time) and sent a Prisoner to Lutteespoor, and in a short Time after, Cantoo Baboo was also secured and conveyed to the same Place of Confinement; I was obliged therefore to wait for a more favourable Opportunity, which never happened while I remained at Chunar. After my Return to Benares, Beneram again repeated the Offer; I accepted it, and received the whole Amount on the Instant, giving him a Note in the Company's Name, and in the usual Form, for the same.

Examples of Fidelity and national Attachment merit the first Reward of being recorded. In me it is a Duty both of public and private Obligation to relate what I have related. Their Merit is national; for, under whatever Impressions their Assistance was offered, its Object was the national Service, nor can my Person in such an Instance be separated from my public Character.

On the 20th or 21st, I forget which, I received a Letter from Rajah Cheit Sing, filled with Expressions of slight Concern for what had passed; and Professions, but indefinite and unapplied, of Fidelity. I did not think it becoming to make any Reply to it; and I think I ordered the Bearer of the Letter to be told that it required none.

On the Morning of the 21st, a Person came to Mr. Richard Johnson, who was one of my Party, and desired his Interposition with me to receive a Letter and Messenger from the Rajah in the Evening, with Proposals for an Accommodation. The like Application was made by Mizza Abdoolla Beg, the Rajah's Vackeel, to my Dewan Cantoo Babboo; and with my Permission, Cantoo Baboo returned to his own House in the Evening, to meet the Vackeel by Appointment for that Purpose; by which Means he missed the Opportunity of going off with me, the Intelligence of my Intention reaching him too late for him to join me, or his infirm State of Body not admitting of his taking so hasty a Resolution. The Substance of the Message, as it has been since delivered to me by Abdoolla Beg in Writing, was to exculpate himself from any Concern in what had passed, which he charged to the intolent Behaviour of a Servant of the Resident's who was present, and the Repentment of his own People; and to profess his Obedience and Submission to my Will in whatever Way I should dictate.

I regarded this as an Artifice to gain Time, since the Message, whatever were the Substance of it, might as easily have been delivered in the Morning as in the Evening, and the Messenger might have obtained an easy Access to me, without the Intrigue and Mystery of secret and indirect Applications.



I have been since confirmed in this Opinion by the Two following Anecdotes, and their exact Coincidence with the Design to which I attribute that just recited.

On the Morning of the 21<sup>st</sup>, while Preparations were making to cross Captain M'Dougal's Battalion, Three Men, Two Strangers, and all Volunteers, went successively to Colonel Blair, with Intelligence that a Design was formed to escalate the Fort of Chunar with a numerous Force on that Night; and an earnest Caution, that he should not diminish the Strength of his Garrison.

The Intelligence and Advice delivered by each were expressed nearly in the same Words. When M'Dougal's Battalion was on the Road Three Men, Strangers and Volunteers, like the former, came to him successively with Intelligence, that a large Body of armed Men lay wait to intercept him at a Village called Beeterburr, and warned him not to proceed. He proceeded, but did not meet a Man. Lieutenant Colonel Blair caused a more than ordinary Watch to be kept on that Night in the Fort, but not a Man appeared to attack it. Not one of these Emissaries have ever been seen since.

As it had been my original Intention to make but a short Stay at Benares, the Nabob Vizier, in the Expectation of my Visit, had already left his Capital, and advanced to a short Distance to meet me. I considered that his Presence would prove of much Service, by its Influence on our Credit; and his Troops, Rabble as they were, might serve to keep the Country in Awe, and to divide the Attention of the Enemy. But these Advantages would invert the Relation of our Alliance, and give him a Superiority in our Meeting, which would defeat the Purposes of it; besides, that I did not think it consistent with the Dignity of our Government, to employ a Foreign Aid for the Suppression of a Rebellion of its own Subjects: I therefore wrote a Letter to the Nabob, requesting him to return to Lucknow, and remain there until I should have Leisure from the actual Disturbances to prosecute my original Journey. The Nabob refused to comply with this Injunction, and on the first Intimation of my Difficulties resolved to join me; and he executed this Purpose with such apparent Earnestness, that he made his first Stage with no other Attendance than about 100 Horse, and about Four Companies of his Body Guards, with his usual domestic Attendants. As soon as I was informed of this, to remove any unfavourable Impression of my former Letter under the Construction of Distress, I wrote another to the Nabob, expressing the warmest Sense of such a Testimony of his Attention, apologizing for what I had before written, from an Unwillingness to involve him in a Scene of Trouble, and expressing my Desire to see him at Chunar according to his own Wishes.

In the mean Time I had received several Intimations imputing evil Designs to the Nabob, and warning me to guard myself against them, and especially be careful that I did not expose myself to the Effects of concealed Treachery, by visiting him without a strong Guard. Many Circumstances favoured this Suspicion. No sooner had the Rebellion of this Zemindarry manifested itself, than its Contagion instantly flew to Fyzabad and the extensive Territory lying on the North of the River Dewa, and known by the Names of Goorucpoor and Bareech. In the City of Fyzabad, Nawaub Allea and Junaaby Allea, the Mother and Grandmother of the Nabob, openly espoused the Party of Cheit Sing, encouraging and inviting People to enlist for his Service, and their Servants took up Arms against the English. Two Battalions of regular Sepoys in the Vizier's Service, under the Command of Lieutenant Colonel Hannay, who had been entrusted with the Charge of that District, were attacked and surrounded in various Places, many of them cut to Pieces, and Colonel Hannay himself, encompassed by Multitudes, narrowly escaped the same Fate. The Nabob Vizier was charged with being privy to the Intrigues which had produced and fomented these Disturbances; and the little Account that he seemed to make of them, served to countenance the Suspicion. I can truly say for myself, that I never afforded it the slightest Degree of Credit; neither his Character, the Tenor of his past Conduct, the Expectations which I knew he entertained of Assistance and Relief from myself, nor his Inability to support himself without the Protection of our Government, allowing me for a Moment to entertain a Thought so injurious to his Fidelity, and so contrary to Probability. Yet I was not perfectly free from Apprehensions similar to such a Suggestion. The Nabob was surrounded by Men base in their Characters, and improvident in their Understandings, his Favourites and the Companions of his looser Hours. These had every Cause to dread the Effect of my Influence on theirs; and both these, and the Relations of the Family, whose Views of Consequence and Power were intercepted by our Participation in the Administration of his Affairs, entertained a mortal Hatred to our Nation, and openly avowed it. These all joined in prescribing the most pernicious and fatal Counsels to the Nabob, representing this as the Time to deliver himself from what they described as the Yoke of Servitude. Although he firmly rejected all their Persuasions, and I was assured of it, was in their Power to use both his Authority and his Person for the Perpetration of their own Designs; nor could I use any Precaution to avoid them, which would not appear to proceed from a Distrust of the Nabob himself. I never communicated my Apprehensions, nor acted from them, and had the Satisfaction of receiving the Nabob, of maintaining an Intercourse with him, with every Mark of the most secure and mutual Confidence, and of parting with him with every Demonstration of mutual Satisfaction.

I had before written to Colonel Morgan for Assistance. I now repeated the Order; and, as the Issue of a War, begun with such Disadvantages on our Side, and with the total Loss of the Country, was doubtful, I added an Order to follow with his whole Force, with another to Colonel Sir John Cumming, who commanded at Futteh Gur, to supply his Place at Cawnpoor. I considered, that if

## A P P E N D I X, N° 1.

we were successful with a less Exertion, it would be easy to countermand these Orders before the Troops could have advanced far in the Execution of them; but if we failed of Success, and such Orders were not sent, it might be too late to issue them with any Hope of Effect from them, or even of their being received, since the Communication, which was now very difficult and uncertain, might then be absolutely precluded. None of my Letters reached Colonel Morgan till he had taken his Resolution. Reports were conveyed to him of my Situation and past Misadventures. The sudden Failure of Intelligence convinced him of the Truth of what he heard; and, justly concluding that Orders had been sent which had been stopped in their Way to him, he at once resolved to execute their supposed and obvious Purport, and detached a Force superior to that which I had required, to my Assistance. It consisted of Two Regiments of Sepoys, Thirty European Artillery Men, and Two Companies of the European Regiment, with Four Six Pounders, One Howitz, Tumbrils, Ammunition, Draft and Carriage Cattle; for the greater Expedition he ordered this Detachment to proceed by Water. The Zeal of the Officers so well seconded that of their Commander, that although it appears that the Resolution was taken on the 29th, the Whole were embarked and in Movement on the 31st of the Month. Major Crabb commanded the Detachment.

A long Interval of Time, which acquired its full Measure from the Magnitude of the Events which were expected to grow out of it, and their uncertain Production, passed in total Ignorance of the Success of the various Orders which had been dispatched, and of the Succours which might be preparing for us. One Half of the Province of Oud was in a State of as complete a Rebellion as that of Benares. Futteh Shah had invaded Sircar Saurun, in our Province Bahar, supported by Supplies of Money, and encouraged with Promises of more from Cheit Sing. Many of the Zemindars of Bahar had discovered Symptoms of Disaffection; and Reports were made to me of Levies of Men openly entertained for the Enemy from our own Subjects in that Province; even the wretched Subjects of Napall dared to seize by Force some Villages to which they had a Claim, and had some Time before supplicated the Attention of our Government to it. In my Impatience for Advices I dreaded that every Packet would bring a fresh Accumulation to our Distresses, and the News of Commotions in every Quarter. At this Period a Letter found its Way to me from Colonel Muir, who commanded the Army employed against Mahdajee Sindia, informing me of Overtures made by that Chief for a separate Peace. This had been one of the Objects of my Journey to this Quarter; but eagerly as I had sought such an Event, I was proportionably mortified to learn with what Facility it might have been accomplished, and how unseasonably our domestic Misfortune had happened to defeat so fair a Prospect of it. I had no Money, nor Credit equal to the Supply of 3,000 Rupees, and, by an unfortunate Train of official Perplexities, which had happened some Time preceding this, both Major Popham's Regiment, the Rangers, and all the Corps of the Garrison of Chunar, were Four Months in Arrears. This was our Situation.

What Force could be spared from the Garrison of Chunar, added to Major Popham's Regiment, was formed into a Detachment under his Command, and encamped on a Plain about a Mile to the Eastward of Chunar. The greatest Strength of the Enemy was collected at Pateeta, about Seven Miles from Chunar, in the same Direction.

On the 27th of August, Lieutenant Polhill arrived with Six Companies of Sepoys belonging to the Nabob Vizier's Body Guard stationed at Illahabad. He was ordered to encamp on the opposite Bank of the River, for the Purpose of keeping our Communication open with that Shore. On the 29th he attacked and defeated a considerable Body of Troops under the Command of a principal Chief, named Shaub Cawn, who was stationed at a small Fort and Town called Seeker, within Sight of Chunar. The Advantages gained by this Success were the Removal of that Part of the Enemy, and the Acquisition of a considerable Booty in Grain, which had been the Object of the Enterprize.

On the 3d of September, Major Popham detached Captain Blair, with his Battalion, and Two Companies of his own Grenadiers, to surprize the Camp at Pateeta. They marched at Three in the Morning, and arrived at the Ground by Day-light, but found it abandoned, and the Enemy waiting for them in complete Order at about a Mile beyond it. A bloody Action ensued, in which the Enemy, as might be expected from Men flushed with recent Successes, fought with a desperate Intrepidity. Our Sepoys began to break into Disorder, when, by a well-timed and successful Attack of the Enemy's Guns by the Two Companies of Grenadiers, headed by Lieutenants Fallon and Berrell, the Fortune of the Day turned in our Favour, and the Field was left to our Possession, with Four Guns and Four Tumbrils. One of the Guns, its Carriage being broken, was spiked and left. The other Three, with one of the Tumbrils loaded with as much Ammunition as it could carry, was brought away. The other Three Tumbrils, with Two hundred Maunds of loose Powder, were blown up. About 1,500 round Shot of different Weights, and mostly hammered, were found and left in a Village adjacent.

Our Loss in this Action was very great; we had 48 Men killed, and 85 wounded: That of the Enemy was unknown, but must have been considerable. Their Guns were well served, and it was from their Execution that we principally suffered. It was remarkable, that they had all the Apparatus of our Artillery, such as Port Fires, Tubes, Chain and Quilled Grape Shot, &c. equal, or nearly equal, to the Production of an European Laboratory; Samples of each Kind will be sent to the Board. Their Artillery did not answer to the Quality of the Stores. One Gun was of Modern Cast, and with its Carriage, which was not bad, said to have been made at Ramnagar. The others

A P P E N D I X, N<sup>o</sup> 1.

others were of a very old Cast and Construction, and their Carriages bad and much worn: This was the general Character of all the Ordnance taken in the Course of the War.

Dearly as this Victory was purchased, with the Expenditure of One Fourth of the Party, it was yet a Victory, ascertained and acknowledged; and had its due Effect of impressing the Enemy with Discouragement, and our own Men with Confidence; and it was an Earnest of our future Success in the public Opinion, which at all Times is of high Importance to our political Influence; was especially so at this, in which the Minds of all Men were suspended for the Decision of the Part which they were to take, either in the immediate Contest, or in their own Conduct as dependant on it.

I must not omit in this Place an Instance of Vengeance which marks the sanguinary Character of Cheit Sing, and too strongly proves, that if the other Excesses committed by his People were not authorized by his express Order, they were perpetrated under the Influence of his Example and the Knowledge of his Inclination.

Fourteen Men of the Corps of Rangers had been left sick at Mizzapoor, when the Remainder of Major Popham's Detachment marched under the Command of Captain Mayaffre, at Ramnagar. They were made Prisoners, and sent to Lutteefpoor. They arrived there on the 3d of September, about the same Time that News was received of Captain Blair's Action at Pateeta, which happened on that Morning. What Provocation they gave, or whether any, is not known: It is furnished, but I know not the Authority, that one of these unhappy Men expressed a Joy on hearing that our Arms had been successful. They were all butchered on the Spot, and almost in the immediate Presence of the Rajah, except one Man, who made a Shift to crawl with a mangled Body to the neighbouring Woods, where he subsisted for a few Days; returned to the Fort; received Mercy, and is still living in our Camp. The Particulars of this Massacre have been since verified, with some unessential Variations from my Relation of it, in an Affidavit of the Survivor, which will be annexed.

On the 10th of September, at about Seven in the Morning, Major Crabb's Detachment appeared on the opposite Shore. It consisted of the Corps already related. It had proceeded as far as Illahabad by Water, but much retarded in its Course by strong and adverse Winds, on which Account, the Course of the Water also winding very much between Illahabad and Chunar, Major Crabb had prudently disembarked the Men and Stores, and marched them by the high Road, remanding the Boats to Cawnpore, whither indeed their Return would have been impracticable, and they passed the Boundary of this Zemindary.

Major Roberts, with his Regiment and a Lack of Rupees, arrived on the 13th of September, from Lucknow; to which Place, as I have before related, he had been ordered to repair for the Guard of my Person, in my intended Visit to that Capital. A further Supply of Fifty thousand Rupees was a few Days after received from the Nabob's Aumil of Illahabad.

The Money was immediately distributed among all the Troops in equal Proportions; and by satisfying their Wants, facilitated Major Popham's Preparations for the Commencement of active Operations.

I have a Pleasure in testifying, that, distressed as the Sepoys had been for the Want of Money, they had never manifested the least Symptom of Discontent. I had frequently visited the Camp, and passed the Lines each Time in Review; once, and only once, I heard One or Two Voices of Complaint, but neither clamorous nor disrespectful.

On the 11th, the Nabob Vizier arrived at his Encampment, which had been formed on the opposite Shore. I chose to make him the first Visit, which was performed on the same Morning, and was returned by him on the next.

Hyder Beg, the Nabob's Second Minister, arrived at the same Time. He had been deputed early to meet me at Benares, and had arrived there about Two Days after my Departure from it. Instead of following me to Chunar, he had suffered himself to be detained by Lalla Bucherange, the Shroff, who had promised to accompany him with a Supply of Money. In the mean Time, a sudden and great Swell of the River rendered the Burna Nulla, behind which he was encamped, impassable. The Rajah's People at the same Time carried away all the Boats, and after a long and fruitless Negotiation with them for an unmolested Passage, which he did not think it prudent to attempt at the Hazard of the Opposition, he at length did attempt it, and met none. His Indecision on this Occasion furnished Ground for various Suspicions; but I know, and had Assurances from a Person in my Suite, who had taken Refuge with him, and acquired his Confidence, and on whose Authority I could implicitly rely, that they were wholly devoid of Foundation. I had a pleasing and incontrovertible Evidence of his Fidelity soon after the Conclusion of our Troubles, in a Letter which Captain Blair picked up at Lutteefpoor, and which I shall add to the Appendix, not merely as a Justification of the Minister, but as a Relief to the dry and unentertaining Materials with which it is associated, if it shall convey the same Opinion of the good Sense of the Writer to other Minds, as it has done to mine.

# A P P E N D I X, N<sup>o</sup> 1.

D d. On the 15th Lieutenant Polhill crossed and joined Major Popham's Camp. The whole Detachment now consisted of the following Strength; viz.

One Company of European Grenadiers, commanded by	Captain Grant.
One D <sup>o</sup> D <sup>o</sup> Light Infantry, D <sup>o</sup> —	Captain Harrison.
One D <sup>o</sup> French Rangers, D <sup>o</sup> —	Lieutenant Wade.
Thirty European Artillery Men, D <sup>o</sup> —	Captain Hill.
One Regiment of Sepoys, the 7th, D <sup>o</sup> —	Major Crabb.
One D <sup>o</sup> , 19th, D <sup>o</sup> —	Major Balfour.
One D <sup>o</sup> , 30th, D <sup>o</sup> —	Major Roberts.
One D <sup>o</sup> , 35th, D <sup>o</sup> —	Major Popham.
One Battalion, the 1st of 6th Regiment, D <sup>o</sup> —	Captain Blair.
Six Companies of the Nabob's Body Guard, commanded by	Lieutenant Polhill.

The following is a Catalogue of Cheit Sing's whole Force, which has been since delivered to me by one of his principal Officers; and as it made Part of a sworn Affidavit, I admit and credit it as genuine. It is certainly not exaggerated.

E e. *L I S T of the established Forces in the Service of Cheit Sing.*

*Cavalry, Sepoys, Matchlock Men, &c.*

Cavalry	—	—	—	—	1,700
Select Troops, or Body Guard, Horse and Foot	—	—	—	—	700
Sepoys	—	—	—	—	1,150
Matchlock Men	—	—	—	—	1,800
Attached to Bullum Daafs, Horse 300, Foot 500	—	—	—	—	800
With Soojaun Sing, Cavalry and Infantry 500, with 2 Guns, Sepoys, and Artillery Men	—	—	—	—	840
With Munnear Sing, Cavalry and Infantry	—	—	—	—	700
Total established Troops	—	—	—	—	7,690

Troops entertained after the Arrival of Cheit Sing at Lutteefpoor,		
First, Entertained at Lutteefpoor, Matchlock and Sword Men	—	2,000
Second, ————— Nujeeb, Sword Men from Lucknow	—	1,000
Total	—	3,000

Troops assembled from different Places,		
Horse and Foot with Juggur Deave Sing	—	500
Matchlock Men arrived with Bukht Sing, by Order from the Rajah	—	1,200
With Gomaun Sing, sent for by the Rajah, Matchlock Men	—	500
From the Foujdar of Biddeve arrived, Matchlock Men	—	1,000
Raje Poots of the Tribe of Rugbunttee from Kurraukut	—	3,000

Arrived with Dullum Sing,		
Foujdar of Mukurun Badshahpoor, Matchlock	—	1,500
Cavalry and Infantry arrived with Ruzza Cooli Khawn, from Mizzapoor	—	300
Raujpoots collected from Agoree and Purwah, by Dia Lutchoo	—	500
Of the Tribe or Cast of Khummaur, collected by Saojaun Sing	—	1,000
Sword and Matchlock Men with Raumjewan	—	2,000
	—	11,500

F f. *Total Troops in the Service of Cheit Sing* — 22,190

G g. "To which are to be added, Husbandmen and Adventurers who took up Arms voluntarily, making the foregoing Number amount to near Forty thousand."

These Forces were divided between Lutteefpoor, Pateeta and Ramnagur. The best reputed of them were at Pateeta, and the great Mafs, composing the last Corps, with a Part of the others, at Lutteefpoor with the Rajah, who had fixed his Residence at that Place since his Flight from Shawalla Gaut.

Before I proceed, it may not be improper to state the other Resources on which he, not very unreasonably, depended for lengthening the War, if not for Success in the Course of it.

First, his Fortresses; of which there are many, and some of considerable Extent and Strength, erected in various Parts of the Zemindary. Of these, the Two principal are Bidjeygur and Lutteefpoor.

# A P P E N D I X, N° 1.

poor.—Ramnagur scarcely deserves to be named with them; and Pateeta has been rendered considerable only by its having been a capital Scene of his Opposition, and of our Victories.

Bidjeygur is a Fort erected on the solid Rock of a Hill, rising to the Height of 745 perpendicular Feet from the level Ground. It lies about Fifty Miles in a South East Direction from Chunar. It was the Depository of all his and his Father's Treasures.

Lutteespoor is a large Fort built with Stone, and surrounded by Hills, and, either from Neglect or Design, obstructed from distant View by Trees and thick Shrubs surrounding it. It lies about 14 Miles Eastward from Chunar.

Pateeta is a very large Town, surrounded by a Rampart of Earth, extending to a great Distance beyond it to the Hills adjoining. The Fort itself is a small square House of Stone, itself fortified with Four round Towers, and enclosed with a high Rampart, and a Ditch which is in most Parts broad and deep. Its greatest Advantage against an Enemy, to whom Delay was Defeat, was that it was invisible to its Assailants.

Ramnagur has been described already: The other Forts, whatever their Consequence under a different Train of Successes might have been, are of none to the Events of this Narrative.

His next great Resource was his Wealth; on which he looked and thought himself invincible—an Expression which I borrow from one of the meanest of his Dependants. It is credibly affirmed, that he inherited from his Father Bulwant Sing, a complete Crore of Rupees, to which it is believed that he made considerable Additions.

The Distresses of our Government, and the Power and Number of its Enemies, may also be reckoned, though negative, yet amongst his Resources. The rest were delusory, which the false and violent Counsels of his Brother Sujan Sing, and his Buxey Saddanund, imposed on his Inexperience, and the Pliancy and Aptitude of his Disposition.

It would break the Attention, and perplex the Thread of the Narrative, to relate every distinct Event in its exact Order of Time. I have therefore, in the minuter Points, endeavoured rather to arrange them according to their Relation to the greater, or to find a Place for them in the vacant Intervals and Pauses of it. It may be proper in this Place to mention, that during the Time of Inaction which succeeded to my Arrival at Chunar, I received several Letters from Cheit Sing, besides Letters from Mr. Barnet, and one from Canto Babboo, who were both his Prisoners at Lutteespoor, which were written by his Order. These were all alike in Substance, containing Acknowledgements and Professions of his Submission to my Authority; Assertions of his own Innocence, charging the Massacre at Showalla to the Chubdar, whose Insults provoked the Resentment of his Servants, whom he could not restrain, and claiming a Merit from his having in the Three past Actions been the suffering Party, though successful, and in none the Aggressor; adding general Offers of Accommodation; and in the Letters written by his Order, a pompous Display of his inexhaustible Wealth, the Multitude and Bravery of his Forces, and the devoted Affection and Fidelity of all his Subjects. I refused to answer them, letting him know that they were written with too much Presumption, in the Style of Equality, and with inapplicable Professions, which were no better than none. Some of these Letters will appear in the Appendix; the rest were lost.

It had been intended to begin our Operations with the Attack of Ramnagur, partly because it had been the Scene of our first Disgrace, and principally because the Repossession of the Capital, which would follow the Capture of Ramnagur, would, it was thought, redeem our Credit with the Public, and be deemed equivalent, in the distant Reports of it, to the complete Recovery of our Authority over the Country, as the Existence of a fugitive Chief in the Wilds and Mountains would be little regarded, when he was expelled from the Capital of his Government and the Seat of his Collections. For this Purpose battering Cannon and Mortars were ordered to Major Popham's Camp, and every other Preparative made for a Siege. This caused the Delay of some Days. In the mean Time a Man, named Bundoo Cawn, a Native and Inhabitant of the Town of Chunar, gave Information, that as the Rajah's Force was principally collected at Lutteespoor and Pateeta, and was daily accumulating, it would become exceedingly difficult to dislodge him, if he was allowed to gain too great Strength there by a Process of detailed and consecutive Operations; that the Approaches both to Pateeta and Lutteespoor were strongly guarded, and especially those of Lutteespoor, which he described as unassailable, but with a great and certain Loss, on this Side, the only Road to it lying through Pateeta; and even if carried, untenable from the Strength of the Pass behind it, of which the Enemy would keep Possession in Defiance of all our Efforts, and against any Superiority of Numbers. This Pass takes its Name from the adjacent Village of Suckroot. He advised a divided Plan of Attack, to be executed at the same Point of Time; one on the Fort of Pateeta, the other on the Pass of Suckroot; of which our Forces coming on it by Surprise, it being unguarded and easier of Access from above, might easily obtain Possession, and by that Means gain the same Advantage over the Garrison of Lutteespoor, as that would have over us, if we first took Possession of the Fort, with the Command of every Road of Communication, of which he did not doubt, if we succeeded against Pateeta. He offered to conduct the Party which should be destined on the Service against the Pass of Suckroot, by a Road unfrequented and unknown, which he described with a minute, and, as it has since appeared, correct Detail. The Confidence with which he spoke, and the Consistency of his Assertions, and Reasonings upon them, acquired a great additional Strength from his former recent Conduct. He had accompanied Captain Blair in both



## A P P E N D I X, N° 1.

Actions of Ramnagur and Pateeta, and had been very serviceable to that Officer by his Knowledge of the Ground, and by his Advice in the Application of it. His Service on the Occasions had been gratuitous, nor did he profess any other Motive for that which he now offered, but the Interest and Safety of a large Family, which depended on our Success.

Major Popham at once saw the Propriety of his Advice, and adopted it. The Evening of the 15th was appointed for the first Execution of the Plan; in the mean Time it was concealed with the most profound Secrecy. As a Security for the Fidelity and Steadiness of Bundoo Cawn, he had a Promise of a Jageer in Perpetuity for himself and his Family, if the Enterprize succeeded. This Engagement has been since amply performed. Major Popham formed his Army into Two Divisions, one destined for the more distant Enterprize, and commanded by Major Crabb; it consisted of the 7th Regiment, Major Crabb's, the First Battalion of the 6th Regiment, Lieutenant Polhill's Six Companies of the Nabob's Body Guard, Four Six-Pounders, and a 5  $\frac{1}{2}$  Inch Howitz. These Corps were told off, and began their March about Eleven that Night. Major Popham began his March with the other Division at about Three o'Clock in the Morning to Pateeta.

On his Arrival there, he found the Works much stronger, and the Approach more hazardous, than he had expected from the Description which had been given of the Place. He applied for the Two Battering Cannon and the Mortar, which had been originally intended for the Attack of Ramnagur, and remanded in the Change of Plan. They were sent, but made no Impression, and he resolved in the Encouragement of Five Days Experience, and from the Fear of a Delay operating against the other Part of his Plan, to attempt a Storm. This was ordered, and executed in the Morning of the 20th, with an instant and compleat Success. Major Roberts commanded the Storming Party. The Enemy made a slight Stand at the outer Intrenchment, and fled through the Fort, our Men following without Opposition. A slight Attack was made at this Time on our Camp, but repelled with some Loss on the Part of the Enemy, and none on ours. We lost during the Siege Eleven Men killed, besides Ten wounded.

On the same Morning, Major Crabb having conducted his Division through almost impracticable Ways, arrived at a Village called Lora, which lies about Two Miles from the Pass. Here he found a Body of Men, with Three Guns, posted to oppose him: They made a firm Stand, but were defeated with a considerable Loss; ours was Twelve Men of every Denomination killed, and Twenty-two wounded. The Enemy fled through the Pass to Lutteespoor; our Detachment followed to the Head of the Pass, and there encamped for the Remainder of the Day.

The News of these concurrent Successes being conveyed to the Rajah at the same Instant of Time, alarmed him exceedingly for his own personal Safety. His Fears were excited with a more forcible Impression by the Surprise of the Advance of so great a Force from a Quarter where he had not expected any. With his Face turned towards Chunar, and his whole Attention and that of his People directed to the Movements which were made on that Side, they had no Suspicion of any Design being formed behind them. The first Intelligence which was received of Major Crabb's Party, described it as consisting of the Followers of Cossau Sing, and only Three Companies of our Sepoys; the Hircarrahs who conveyed the News possibly mistaking the advanced Guard for the whole Force, and reporting it accordingly; nor was the real Strength of the Party known, even by that which was detached to oppose it, until the Instant of the Action. This Circumstance was related at the Time, and has been since confirmed to me by an Officer, named Myher, who commanded a small Body of the Rajah's Sepoys and the Guns in the Action. No Design could be more judiciously planned, or more happily executed; even the Impediments and Disappointments which attended it, served but to promote the Coincidence of the final Movements of its Operation with so well-timed an Effect, that the Difference of Time which passed between the Engagement at Lora and the Conquest of Pateeta, was little more than that which would be required by the Difference of the Distances of each from Lutteespoor, for the News of each Success to reach Lutteespoor at the same Instant.

Cheit Sing instantly prepared for Flight: His Road to Bidgey Gur, which was his last Refuge, lay through the Pass which he durst not attempt. He left Lutteespoor about Three or Four in the Afternoon, and making a Circuit over the Hills, gained the high Road at the Distance of some Miles beyond the Pass, and proceeded with a few Followers to the Neighbourhood of Bidjeygur. Some others followed and rejoined him; the rest, left without Orders, staid but to plunder the Place, and evacuated it. The Gown Wallahs, or Militia, composed of the Husbandmen who had been summoned to attend him, all fled to their own Homes. So rapid was the Report of this Event in its Communication, and so decisive in its Effect, that the Fort of Sutteesgur, which lies about Seven or Eight Miles to the Northward of Lutteespoor, and the Palace of Ramnagur, were evacuated on the same Evening; and *the Allegiance of the whole Country restored as compleatly in the Course of a few Hours, from a State of universal Revolt to its proper Channel, as if it had never departed from it.*

H h.

On the next Morning, the 21st, Major Crabb marched through the Pass to Lutteespoor, and found it abandoned.

On the same Day Major Moses Crawford, with the 28th Regiment of Sepoys, arrived from Dinapoor, and joined the Detachment.

Major Balfour was detached on the Morning of the 22d to Ramnagur, of which he took quiet Possession; no one remained to oppose him.



## A P P E N D I X, N<sup>o</sup> 1.

Being desirous of returning, without Loss of Time, to Benares, and the Presence of the Nabob Vizier being more urgently required for the Quiet of his Country, we parted on the 25th with every Expression of mutual and real Satisfaction. The annexed Copy of my Letter to the Board, dated the 29th November, contains the Detail of my Transactions with him. See Appendix, Part 1st, N<sup>o</sup> 1.

On the next Morning I arrived at Ramnagur, and on the 28th returned to my old Quarters at Maudooda's Garden at Benares.

To quiet the Minds of the People, Proclamations were issued, offering Pardon to all who should peaceably return to their Obedience, excepting the Persons of Cheit Sing and his Brother Shujan Sing, whom their late rebellious Conduct, and their Rancour manifested to our Nation in the deliberate Murder of our Soldiers, and even defenceless Passengers who had the Misfortune to fall into their Hands, had precluded from every Title to Lenity. Among the unhappy Sufferers to whom the above Exception alluded, was a Person of the Name of Hooker, who had followed the Occupation of a Dealer in European Wares to our Camps, and had ventured to pass in his Budgerow, a little after the unhappy Affair of Showalla, near Ramnagur, where he was seized, and, unarmed as he was, and pleading the Innocence of his Profession, murdered in cold Blood. Shujan Sing had the Command at that Time in Ramnagur. Two Soldiers also of Major Crabb's Detachment having wandered from the Line, were taken and murdered at Gopee Gunge. For this Reason that Town was excepted in the Proclamation; and has since been destroyed.

My first Care, after my Return to Benares, was to determine the Succession to the Zemindarry and Range, vacated by the Forfeiture of Cheit Sing. The Right of the Company to the Disposal of it, certainly had not suffered by the past Events. The Territory had been wholly lost to their Dominion, and wholly conquered by their Arms: Yet the rest of the Family who formerly possessed it had not merited, by any Act of theirs, to be involved in the Punishment of a Man who had been equally their Enemy, and whom they had regarded as the Usurper of their more legal Rights; nor perhaps would it have been prudent to have put the Submission of the People to the Test of a new Species of Dominion. I therefore resolved, in virtue of the full Powers which I possessed from the Board for that Purpose, to bestow it on the next lineal Heir. This was Bauboo Mehpnarain. He was the Grandson of Raja Bulwant Sing, by a Daughter married to Bauboo Doorbeje Sing. The Widow of Bulwant Sing, named Ranny Goolaub Kower, was still living, and in an extreme old Age. By the Hindoo Law she might claim the Inheritance. Her Daughter also, the Wife of Doorbeje Sing, might assert the like Pretension: Had it become a Matter of Contest, I had resolved to leave it to the Decision of the whole Body of the Pundits of Benares; but this Reference was unnecessary, Doorbeje Sing yielding up the Pretension of his Wife; and the old Ranny her own, by a Writing sealed with her Name, and acknowledged in the Presence of a confidential Person whom I deputed to her for that Purpose, declaring it to be her Wish and Request, that the Range might be conferred on her Grandson Mehpnarain: He was accordingly invested, and proclaimed on the 30th of September. His Father Bauboo Doorbeje Sing was at the same Time invested with the Office of Naib, and is in effect the sole acting Manager: He is about Thirty-five Years of Age, his Son Nineteen.

I have thought it proper to establish a distinct and independant Magistracy for the Town of Benares. The Reasons for this Act, the Description of the Office; and of the Officers subordinate to it, are detailed in the subjoined Letter to the Board, dated the 1st of November; see the Appendix Part 1st N<sup>o</sup> 2. Allee Ibrahim Cawn, the Person chosen for this Charge; was duly invested with it on the 20th of October.

On the 5th of November I concluded the Settlement of the Revenue, which was to be paid by Rajah Mehpnarain, being 33,33,333. 5. 8. for the Current Year, and a perpetual Rent of 40,00,000 Rupees for the future.

The Particulars of this Transaction are contained in my Letter to the Board, dated the 21st November. See Appendix, Part 1st, N<sup>o</sup> 3.

It has been already mentioned, that soon after my Flight to Chunar, Colonel Muir advised me of Overtures made by Mahdajee Scindia for a separate Peace. I sent to Colonel Muir Credentials and Instructions; and on the 13th of October a Treaty was concluded with Mahdajee Scindia. To confirm and improve the Advantages obtained by it, I deputed Mr. Anderson to Mahdajee Scindia, and at the same Time sent Mr. Chapman, with Bissumber Pundit; on a similar Commission to Moodajee Boosla, the Rajah of Berar. The Particulars of these Transactions, and of my Views relating to them, are contained in the annexed Copies of my Instructions to Colonel Muir, and of my Letter to the Board adjointed, dated the 25th November. See Appendix, Part 1st, N<sup>o</sup> 4.

The annexed Letter to the Board, dated 22d November, contains also the Circumstances of some new Arrangements made in the Customs. See Appendix, Part 1st, N<sup>o</sup> 5.

On the 8th of October, Major Naylor, with the 23d Regiment, having been detached to the Relief of Lieutenant Colonel Hannay, arrived on the Northern Banks of the Dewa, defeated a large Force which had assembled round Colonel Hannay, and entirely dispersed them. The Return of the Nabob soon after effectually restored the Quiet of the Country.

About the same Time a Regiment of Sepoys, under the Command of Major Lucas, defeated and drove Futteh Sing from the District of Sircar Saurun.

After

## A P P E N D I X, N<sup>o</sup> 1.

After having gained Possession of Lutteespoor, Major Popham lost no Time in prosecuting his March to Bidjeygur. Cheik Sing did not wait his Approach, but fled, taking with him as much Treasure as his Elephants and Camels could carry, which has been reported to me to have consisted of One Lack of Mohrs, and Fifteen or Sixteen of Silver, besides Jewels to an unknown Amount. His Wife, a Woman of an amiable Character, his Mother Paund, and all the other Women of his Family, and the Survivors of the Family of his Father Bulwant Sing, who were connected with him, were left in the Fort of Bidjeygur. He took the Rout of Rewa, and from thence proceeded to Panna, the Capital of Boondelchund, paying and plundered as he passed. He was, by the last Advices, in that Country, the Rajah professing in his Letters to me a Resolution to withdraw his Protection from him, and secretly favouring him.

The Fortrefs of Bidjeygur surrendered by Capitulation on the 10th of November, yielding to Major Popham the peculiar Credit of having surmounted all the Obstacles which Nature and Art had opposed to the Conquest of Two of the Fortresses of Hindostan, which had been before universally deemed impregnable.

I have now brought my Narrative to its proper Conclusion, at that Point in which all the Movements which from the Subject of it, and all their Objects, appear to have attained their full and complete Termination. I regret the Length to which it has been drawn, and fear that it will appear unreasonable to those who may consider it a Point of Duty to give it a thorough Perusal, and who will scarce fail to reflect, that it comprises in Effect the History of but One Month. To myself the Reflection affords a different Sensation, when applied to the Multitude of Events and their Magnitude, comprised within so short an Interval of my public Life. I have aimed at Brevity, both in the Selection of Facts and in the Narration of them, having omitted every Circumstance, which, though engaging a Portion of my Attention at the Time, had no Connection with the general Train of Events or Influence in the Character by which they are discriminated from the ordinary Course of Affairs. For the Satisfaction of such as shall have more Patience or Leisure to look into them, I have added as an Appendix, Copies of all the material Papers which have Relation to the Narrative, but which would have increased the Bulk of it, and disturbed the Attention, if inserted in the Body of it.

I have also added Attestations of all the principal Facts and Events, sworn before the Chief Justice, to whose Advice I am obliged for having suggested it. It did not strike my Mind, that Matters of such Notoriety here would require some more authentic Verification of them at Home, than the Recital of the Man whose Reputation is so immediately concerned as mine is in the Judgment which my Superiors, and which the Public at large, will have a Right to form upon it. I am sensible of the Wisdom of the Precaution, and sorry that it was not earlier intimated, that I might have had Time to have collected a larger Fund of Evidence, although I have Reason to be satisfied with the Weight of that which I have obtained. Let it be also remembered, that this Relation itself has been written under the Force of an Obligation as binding as that of an Oath administered and taken in all its legal Forms.

Whatever Judgment may be passed on my particular Conduct, I am yet happy that it has proved the Means of calling forth the inherent Virtue of my Countrymen, and displaying to all the Powers and People of India, both the National Character and the National Constitution, by such Effects as have been unrecorded in their Histories, and are scarce conceivable by their Habits of thinking.

The Suddenness of our Calamities, the Distance of Assistance, the Privation of every present Resource, the manifest Interest which animated and impelled every Corps and every Individual to the Support of the common Cause, and the Rapidity with which they rushed to repel the common Danger, are Facts of universal Observation, and will contribute more effectually to the Permanency of the British Influence and Dominion, than the most splendid Victories obtained over Adversaries of the highest Reputation; because it shews the Harmony which unites all the Parts of our Government, and their augmented Strength under the Compression of external Violence; and will be remembered as a most striking Example, which every Man concerned in its Operations will apply to his own Interests and Feelings, that its greatest and most successful Exertions have arisen out of the most desperate Emergencies, and have fallen, in every such Instance, with the most dreadful Vengeance on the Heads of its Aggressors.

For the Sense which I have entertained of the particular Conduct of the Officers who have distinguished themselves in the late Service, I cannot express myself in stronger Terms than those of the following Extract of my Letter to the Board, dated the 29th of September, and Copy of one dated the 7th of October.

A P P E N D I X, N<sup>o</sup>. I.

Extract of a Letter from the Governor General to the Board;  
dated 29th September 1781.

" I have forborne any particular Commands in this Place, reserving them, where they will be more properly introduced, for my detailed Narrative. Yet I cannot suppress, without a Violence to my own Feelings, the Testimony which is due, especially from me, to the unexampled Zeal and public Spirit of all our Officers, and the wonderful Activity with which these Qualities were displayed on the late Occasion. I have already acknowledged the early Exertions which were made by Colonel Blair, during my former short and calamitous Residence at Benares. Of Major Popham I cannot say sufficient to express my Sense of his Services. Though my Letters were every where intercepted, Colonel Morgan, with a Decision and Solicitude that reflect equal Credit upon his Character, detached Major Crabb with his Party to my Assistance, on the first and instant Rumour of my Situation. Colonel Sir John Cumming, with the like Alacrity obeyed the Order for his March to Cawnpore; as did Colonel Ahmuty, in the immediate Dispatch of Major Crawford and the Troop of Cavalry. The same Spirit animated every Officer of every Corps, and infused itself into the Men under their Command, with an Effect so far exceeding the common Occurrences of human Affairs, that in the complete Space of One Month, this great and valuable Province, which had been suddenly and wholly lost, was in Substance wholly recovered to the British Empire.

" I am,

" Sir, &c."

Copy of a Letter from the Governor General to the Board; dated the 7th October.

" I have had frequent Occasions to express, in public Orders, the highest Approbation of the Zeal, Spirit, and good Conduct exerted by all the Officers and Troops, in all the late Operations for reducing this rebellious Zemindarry to Obedience. Several of the Officers have merited and received particular Thanks by Name; and it would give me the greatest Satisfaction to distinguish and reward each Individual in Proportion to his Station and Services. But as no Government is possessed of the Means of such diffusive Recompence, it must be unavoidably confined to those whose elevated Rank or peculiar Situation affords them Opportunities of laying immediate Claim to the more honourary or beneficial Testimonies of public Gratitude. But such Testimonies, whilst they are in Possession of Persons in superior Rank, give Hopes to, and excite the Emulation of, those also who are in the inferior: And thus, by well-timed and judicious Rewards, the Prosperity of the State and the Interests of its Servants are united.

" It is on this Principle that I request Permission to solicit the Consideration of the Board, for an honourable Recompence to the Two Officers who have been first in Rank, and most conspicuous in Services, during the Commotions in the District.

" Lieutenant Colonel Blair, who commanded at Chunargur from the Day of the fatal Catastrophe in this Town, manifested a general Zeal for the public Interests, and for my Safety, above all Considerations for his own. Every Requisition which I made to him was instantly complied with; and he sent me a Reinforcement of a Battalion of Sepoys, at a Time when he had the strongest Grounds to believe that an Attack would be made on his own Garrison, which it was incapable of sustaining.

" It is perhaps scarce less meritorious in Colonel Blair, to have not only submitted without repining to the Preference of an inferior Officer to a Command of such Importance within the Limits of his own, but to have assisted and co-operated with that Officer, with as much Alacrity as if the Success was to have redounded to his own Honour.

" This is not the first Occasion on which the Attention of the Board has been called to the distinguished Merit and Services of Major Popham. They have been again most happily exerted in his present Command, for the Safety and Interests of the Company, in a very perilous Situation: I have been, in a Manner, an Eye Witness of them. I wish to express, and to shew, my Sense of them, but I want Language for the first, and Means for the latter.

" As, from the Knowledge which I have of the Characters of Lieutenant Colonel Blair and Major Popham, I am certain that the most honourable Reward will be to them the most acceptable one, I beg Leave to propose, that they be promoted by Brevets to the Rank immediately above that which they at present respectively hold; that is, Lieutenant Colonel Blair to the Rank of Colonel, and Major Popham to the Rank of Lieutenant Colonel.

" This Preferment, whilst it is an honourable Distinction to these Officers, cannot be deemed an Injury to their Seniors, as their Promotion will not be thereby retarded, they may be always employed on separate Service, and their Rank will not be affected, when they rise in the regular Course of Succession.

" The Company owe so much to the eminent Services of Major Popham, that I may think it incumbent upon me, at a future Period, to recommend him to their further Consideration.

SUP. SEL. COM. REP. II.

G

" Whilst

## A P P E N D I X, N<sup>o</sup>. 1.

“ Whilst I bestow the just Tribute of Praise due to those Officers who acted upon the Spot, I should be guilty of an unpardonable Neglect, and even Injustice, if I omitted to express my Sense of equal Approbation of the Conduct of others more remote.  
 “ Colonel Morgan, on the first Intelligence which reached him of my Situation, and without waiting for official Information or Authority, in the true Spirit of an able and zealous Officer, detached a very considerable Portion of his Brigade, and all the Supplies of Provisions which he could procure.  
 “ Colonel Sir John Cumming likewise moved with the utmost Diligence and Alacrity, on receiving an Order to occupy the Station of Cawnpore, in the room of the Second Brigade.  
 “ He marched with his whole Force in Fifteen Hours after receiving the Orders, and reached Cawnpore in Four Days; himself, Officers, and Troops, cheerfully making their utmost Efforts in the common Cause.  
 “ Such have been the spirited and judicious Exertions of your Officers and Troops in Support of the Company's most valuable Rights and Possessions, of the Dignity of their Government, and of the Honour and Safety of their chief Magistrate: A Conduct which manifests the strongest Attachment and Affection on their Parts, and implies an Observance of Justice and Regard to the Prosperity and Happiness of those who are placed under our Authority, on ours. These are Circumstances which will always afford me the most pleasing Reflections, notwithstanding the Calamities which have produced them.

Chunar,  
 1st December 1781.  
 (Signed)

“ I have the Honour to be, &c.  
 “ (Signed) Warren Hastings.”

P. S. I have divided the Appendix into Two Parts; the First consists of Papers which containing my Instructions on Points foreign from the immediate Subject of the Narrative, and which having, been already separately detailed in Letters addressed to the Board, I have preferred this Method of annexing them to it, having referred to them in the proper Order of their Dates in the Narrative. To these I have added a Letter from the Resident at the Court of the Nabob Vizier, comprising a distinct Narrative of the Rebellion in the Pergunnahs of Gorookpoor and Bareech, and in the City of Fyzabad, in the Dominions of the Nabob of Owd.

The Second Part contains official Letters and other Papers, which form a connected Series of the Events and Proceedings recorded in the Narrative.

# APPENDIX, N° 1.

## CATALOGUE of the APPENDIX.

### PART THE FIRST.

- N° 1. A. Letter to the Governor General and Council, dated the 29th November 1781, respecting the Governor General's Agreement with the Vizier.
- N° 1. B. Copy of the Agreement concluded by the Governor General with the Vizier, on the 19th of September 1781.
- N° 1. C. Minute from the Governor General, explanatory of his Agreement with the Vizier.
- N° 1. D. Copy of the Agreement made by the Vizier with the Governor General.
- N° 1. E. Minute explanatory of the Agreement made by the Vizier with the Governor General.
- N° 1. F. Second Minute from the Governor General, containing his Answers to possible Objections to be made against the several Parts of his Agreement with the Vizier.
- N° 1. G. Letter of Instructions from the Governor General to the Resident at the Vizier's Court, dated Chunar, 23d September 1781.
  
- N° 2. A. Letter to the Governor General and Council, dated 1st November 1781, respecting the Establishment of Police and Courts of Judicature in the Town of Benares.
- N° 2. B. Copy of the Plan for the Establishment of Police and Courts of Judicature in the Town of Benares.
- N° 2. C. Establishment allotted for the different Departments under the Chief Magistrate of Benares.
  
- N° 3. A. Letter to the Governor General and Council, dated the 21st November 1781, respecting the Settlement of the Zemindary of Benares, &c.
- N° 3. B. Abstract Account of the annual Jumma of the Zemindary of Rajah Cheit Sing, for 1188, including the Jagheers allowed to the Farmers.
- N° 3. C. A particular Account of the Revenue of Benares, &c. for the Year 1184.
- N° 3. D. Abstract Account of the Revenue of Benares, &c. for the Year 1184.
- N° 3. E. Account Particulars of the Revenue of Benares, &c. for the Year 1188.
- N° 3. F. Abstract Account of the Revenue of Benares, &c. for the Year 1188.
- N° 3. G. Account of the Revenues of Ghazipoor.
- N° 3. H. Form of the general Settlement concluded by the Governor General with Mehipnarain.
- N° 3. I. Abstract of Allowances paid for the Support of distressed Families, and Men of Piety and Learning; and Copy of the Governor General's Resolution on this Subject.
- N° 3. K. Paper relative to a Grant of certain Villages to the Fakcers of the Macburrah of Shaw Cossim Sulimany, and Shaw Waffel, at Chunar.
- N° 3. L. Translation of the Pottah granted to Rajah Mehipnarain.
- N° 3. M. Copy of the Cabooleat executed by Rajah Mehipnarain.
- N° 3. N. Kistbundee for the current Year 1189.
- N° 3. O. Kistbundee for the current Year 1190, and for ever.
- N° 3. P. Agreement of Rajah Mehipnarain for Payment of the Arrears of the Year 1188, by the actual Collections.
- N° 3. Q. Paper of Requests presented to the Governor General by Rajah Mehipnarain, with the Governor General's Answers annexed.
  
- N° 4. A. Copy of a Letter from the Governor General and Council to Colonel Muir, dated 29th August 1781.
- N° 4. B. D° from D° to D°, dated the 10th September 1781.
- N° 4. C. Extract of a Letter from the Governor General to the Governor General and Council, dated 22d October 1781.
- N° 4. D. Copy of a Letter to the Governor General and Council, dated 25th November 1781, respecting the Appointment of Messrs. Anderson and Chapman.
- N° 4. E. Translation of the Treaty concluded by Colonel Muir with Madajee Scindia, on the 13th of October 1781.
- N° 4. F. Copy of the Instructions given to Mr. Anderson, on the 4th November 1781.
- N° 4. G. Copy of the Instructions given to Mr. Chapman, on the 12th November 1781.
  
- N° 5. Letter to the Governor General and Council, dated 22d November 1781, respecting the new Regulations for the Collection of the Customs within the Zemindary of Benares.

# A P P E N D I X, N° 1.

- N° 6. Letter from the Resident at the Court of the Nabob Vizier, containing a Relation of the Rebellion in Gooruckpoor, &c.
- N° 7. A. Translation of a Sunnud granted to Rajah Cheit Sing, for the Zemindary of Benares, &c. by the Governor General and Council.
- N° 7. B. Translation of a Pottah for the same.
- N° 7. C. Translation of his Cabuleat for the same.

## C A T A L O G U E of the A P P E N D I X.

### P A R T T H E S E C O N D.

*Memorandum. The Numbers from 19 to 43 inclusive, are misplaced through Mistake in copying; but as they all relate to the same Series of Transactions, it was not judged of Consequence to correct their Arrangement.*

N° 1.	Minute of Council of	—	—	—	July 1778.
2.	Arzie of Rajah Cheit Sing, received	—	—	—	— 1778.
3.	Minute of Council of	—	—	—	— 1779.
4.	Arzie of Rajah Cheit Sing, received	—	—	—	— 1779.
5.	Arzie of Rajah Cheit Sing, received	—	—	—	— 1780.
6.	D° D°, received	—	—	—	— 1780.
7.	Minute of Council of	—	—	—	— 1780.
8.	Minute of Council of 2d November	—	—	—	— 1780.
9.	Letter to Major Popham	—	—	—	dated 15th August 1781.
10.	Letter from Major Popham	—	—	—	dated 18th August 1781.
11.	Return of Killed and Wounded at Showalla.	—	—	—	
12.	Substance of an Order	—	—	—	dated 19th August 1781.
13.	List of English Gentlemen at Benares	—	—	—	— 21st August 1781.
14.	General Order	—	—	—	— 22d August 1781.
15.	Letter to the Nabob Vizier	—	—	—	— 23d August 1781.
16.	Letter to Major Moses Crawford	—	—	—	dated 23d August 1781.
17.	Letter to Mr. Middleton	—	—	—	dated 23d August 1781.
18.	Letter to Colonel Morgan	—	—	—	dated 25th August 1781.
19.	Letter to Lieutenant Colonel Blair	—	—	—	dated 15th August 1781.
20.	Letter to Captain Mayaffre	—	—	—	dated 16th August 1781.
21.	Letter to Captain Blair	—	—	—	dated 16th August 1781.
22.	Letter from Captain Mayaffre	—	—	—	dated 17th August 1781.
23.	Letter to Captain Blair	—	—	—	dated 18th August 1781.
24.	Letter to Lieutenant Colonel Blair	—	—	—	dated 18th August 1781.
25.	Letter to Captain Blair	—	—	—	dated 19th August 1781.
26.	Letter to D°	—	—	—	dated 19th August 1781.
27.	Letter to Lieutenant Colonel Blair	—	—	—	dated 20th August 1781.
28.	Letter to D° D°	—	—	—	dated 20th August 1781.
29.	Letter to Major Eaton	—	—	—	dated 20th August 1781.
30.	Letter to Captain Blair	—	—	—	dated 20th August 1781.
31.	Letter to Lieutenant Colonel Blair	—	—	—	dated 20th August 1781.
32.	Letter from Captain Blair	—	—	—	dated 17th August 1781.
33.	Letter from Captain Blair	—	—	—	dated 18th August 1781.
34.	Letter from Captain Blair	—	—	—	dated 19th August 1781.
35.	Letter from Captain Blair	—	—	—	dated 19th August 1781.
36.	Letter from Captain Blair	—	—	—	dated 19th August 1781.
37.	Letter from Captain Blair	—	—	—	dated 20th August 1781.
38.	Letter from Lieutenant Colonel Blair	—	—	—	dated 20th August 1781.
39.	Letter from Lieutenant Colonel Blair	—	—	—	dated 21st August 1781.
40.	Purport of a Letter from Rajah Cheit Sing.	—	—	—	
41.	Letter from Major Eaton	—	—	—	dated 19th August 1781.
42.	Substance of a Letter from Hurry Buddur Pandit	—	—	—	received 24th August 1781.
43.	Letter to Colonel Morgan	—	—	—	dated 26th August 1781.
44.	Letter to Colonel Cumming	—	—	—	dated 26th August 1781.
45.	Letter to Major Moses Crawford	—	—	—	dated 26th August 1781.
46.	General Orders	—	—	—	dated 26th August 1781.
47.	Letter from Lieutenant Polhill	—	—	—	dated 25th August 1781.
48.	Letter to Major Moses Crawford	—	—	—	dated 26th August 1781.
					49. Letter



# A P P E N D I X, N<sup>o</sup> I.

49.	Letter to Lieutenant Polhill	—	—	dated 26th August 1781.
50.	Letter to Major Eaton	—	—	dated 26th August 1781.
51.	Letter to Lieutenant Polhill	—	—	dated 27th August 1781.
52.	Letter to Edward Wheler, Esquire	—	—	dated 27th August 1781.
53.	Letter to Major Moses Crawford, or Lieutenant Colonel Ahmuty	—	—	dated 28th August 1781.
54.	Letter to Colonel Muir	—	—	dated 29th August 1781.
55.	Letter to Major James Crawford	—	—	dated 29th August 1781.
56.	Letter to Colonel James Morgan	—	—	dated 30th August 1781.
57.	Letter from Major Moses Crawford	—	—	dated 31st August 1781.
58.	Letter from Lieutenant Polhill	—	—	dated 31st August 1781.
59.	Letter from Lieutenant H. F. Balfour	—	—	dated 28th August 1781.
60.	Letter to Edward Wheler, Esquire	—	—	dated 31st August 1781.
61.	Letter to Colonel Morgan,	—	—	dated 1st September 1781.
62.	Letter from Major Popham	—	—	dated 3d September 1781.
63.	Letter from Captain Blair	—	—	dated 4th September 1781.
64.	Letter to Lieutenant Colonel Blair from Lieutenant Pi-gott	—	—	4th September 1781.
65.	Letter to Major Moses Crawford	—	—	dated 4th September 1781.
66.	Letter to Colonel Morgan	—	—	dated 4th September 1781.
67.	Letter from Mr. Middleton	—	—	dated 29th August 1781.
68.	Letter to Edward Wheler, Esquire	—	—	dated 4th September 1781.
69.	Letter from Colonel James Morgan	—	—	dated 29th August 1781.
70.	Letter from Colonel Morgan	—	—	dated 30th August 1781.
71.	Letter from Major Eaton	—	—	dated 30th August 1781.
72.	Arzie from Rajah Cheit Sing	—	—	received 5th September 1781.
73.	Letter from Rajah Cheit Sing to Benaram Pundit.	—	—	
74.	Letter from Mr. Barnett	—	—	dated 5th September 1781.
75.	Letter to the Nabob Vizier	—	—	dated 6th September 1781.
76.	Letter from Rajah Cheit Sing	—	—	dated 23d September 1781.
77.	Letter from Colonel Morgan	—	—	dated 4th September 1781.
78.	General Orders	—	—	dated 8th September 1781.
79.	Letter to Colonel Morgan	—	—	dated 8th September 1781.
80.	Letter from Mr. Græme	—	—	dated 4th September 1781.
81.	Letter from Major Moses Crawford	—	—	dated 9th September 1781.
82.	Letter to Colonel Muir	—	—	dated 10th September 1781.
83.	Letter to Edward Wheler,	—	—	dated 11th September 1781.
84.	Letter to Major Moses Crawford	—	—	dated 17th September 1781.
85.	Letter to Colonel Sir John Cumming	—	—	dated 13th September 1781.
86.	Letter to Colonel Morgan	—	—	dated 13th September 1781.
87.	Letter from Colonel Cumming	—	—	dated 7th September 1781.
88.	Letter to Major Popham	—	—	dated 15th September 1781.
89.	Letter to Major Eaton	—	—	dated 18th September 1781.
90.	Letter to Edward Wheler, Esquire	—	—	dated 18th September 1781.
91.	General Orders	—	—	dated 18th September 1781.
92.	Letter from Colonel Morgan	—	—	dated 15th September 1781.
93.	Letter to Colonel Morgan	—	—	dated 19th September 1781.
94.	Letter from Mr. Barner	—	—	dated 18th September 1781.
95.	Letter from Captain Macdonald to Mr. Middleton	—	—	dated 9th September 1781.
96.	Letter to Mr. Barnett	—	—	dated 19th September 1781.
97.	Letter to Major Popham	—	—	dated 20th September 1781.
98.	Letter to Edward Wheler, Esquire	—	—	dated 20th September 1781.
99.	Letter from Colonel Ahmuty	—	—	dated 29th August 1781.
100.	Letter from Major Popham	—	—	dated 20th September 1781.
101.	Journal of a March over the Bende Hills from Chunargur to Lutteeepoor, written by Major Crabb	—	—	dated from 15th to the 21st September 1781.
102.	Letter from Major Crabb	—	—	dated 25th September 1781.
103.	Return of Killed and Wounded in the Attack of Pateeta	—	—	dated 20th September 1781.
104.	Letter to Edward Wheler, Esquire	—	—	dated 22d September 1781.
105.	Letter from Captain Blair	—	—	dated 21st September 1781.
106.	Letter to Major James Crawford	—	—	dated 22d September 1781.
107.	Letter to Lieutenant Colonel Ahmuty	—	—	dated 22d September 1781.
108.	Letter from Captain Blair—Journal of Major Crabb's Expedition	—	—	dated 29th September 1781.
109.	General Orders	—	—	dated 22d September 1781.
110.	Letter from Major Popham	—	—	dated 22d September 1781.
111.	Letter from Mr. Græme, and Enclosure	—	—	dated 19th August 1781.
112.	Letter from Major Crabb	—	—	dated 21st September 1781.
113.	Letter from D <sup>o</sup>	—	—	dated 21st September 1781.
	SUP. SEL. COM. REP. II.	II		114. Letter

## A P P E N D I X, N<sup>o</sup> 1.

114.	Letter from D <sup>o</sup>	—	—	—	—	dated 23d September 1781.
115.	Return of Killed and Wounded, &c. of the Detachment commanded by Major Crabb	—	—	—	—	dated 20th September 1781.
116.	Letter from Major Balfour	—	—	—	—	dated 23d September 1781.
117.	General Orders	—	—	—	—	dated 24th September 1781.
118.	Translation of Proclamation issued by the Governor General	—	—	—	—	25th September 1781.
119.	Letter to Major Crabb	—	—	—	—	dated 25th September 1781.
120.	Letter to Colonel Morgan	—	—	—	—	dated 27th September 1781.
121.	Letter from Colonel Morgan	—	—	—	—	dated 27th September 1781.
122.	Letter from Mr. Græme	—	—	—	—	dated 21st October 1781.
123.	Letter from Major Lucas to Mr. Græme	—	—	—	—	dated 18th October 1781.
124.	Translation of a Letter found in Lutteespoor	—	—	—	—	dated 6th October 1781.
125.	Letter to Edward Wheler, Esquire	—	—	—	—	dated 7th October 1781.
126.	Letter from Captain Blair	—	—	—	—	dated 8th October 1781.
127.	Letter to Edward Wheler, Esquire	—	—	—	—	dated 13th October 1781.
128.	Letter from Major Naylor	—	—	—	—	dated 13th October 1781.
129.	General Orders	—	—	—	—	dated 19th October 1781.
130.	D <sup>o</sup>	—	—	—	—	dated 8th November 1781.
131.	Letter from Dr. Thomas	—	—	—	—	dated 18th October 1781.

## LIST of AFFIDAVITS, with the general Subject of their Contents.

### N<sup>o</sup> 1. FIRST PARCEL; containing, viz.

- 1st. Affidavit of Major Eaton, commanding the Fort of Buxar.
- 2d. A. Letter from Major Eaton to Thomas Graham, Esquire, Resident at Benares, dated 23d May 1779, complaining of the disaffected Conduct of Rajah Cheit Sing and his Officers, and of Enormities committed by the latter.
- 3d. B. Letter from Major Eaton to Francis Fowke, Esquire, Resident at Benares, dated 3d November 1780, upon the same Subject.
- 4th. C. Letter from Mr. Fowke, dated 8th November, in answer to the preceding, expressing that he had no Hope of obtaining Redress.
- 5th. D. Letter from Major Eaton to Francis Fowke, Esquire, dated 17th November 1780, representing the Assault made by the Zemindar of Beerpoor on Ensign Bassett, and the general Enormities of the Zemindars of the Jurisdiction of Rajah Cheit Sing.
- 6th. E. Letter from Major Eaton to the Board, more circumstantial, on the same Subjects; Date omitted.

### N<sup>o</sup> 2. SECOND PARCEL, containing

- 1st. A. Major Palmer's Affidavit of the declared Intentions of the Governor General towards Rajah Cheit Sing.
- 2d. B. Attestation of David Anderson, Esquire, to the same Effect.

### N<sup>o</sup> 3. THIRD PARCEL, consisting of

Transactions at Buxar and Benares, between the 9th and 21st August 1781, and the Insurrection of Gorookpoor, &c.

- 1st. Affidavit of Captain Davy, Persian Translator to the Governor General.
- 2d. 1 a. Declaration of Hyder Beg Cawn: Correspondence with Cheit Sing, and other Matters.
- 3d. 2 a. Affidavit of Moonshy Gore Persaud: His Imprisonment and Sufferings: Ladders made for the Assault on the Governor General's Quarters.
- 4th. 3 a. Affidavit of Hurryam Pundit: Forces which attended Cheit Sing to Buxar.
- 5th. 4 a. Affidavit of Jewan Ram Moonshy: Massacre at Showald.
- 6th. 5 a. Affidavit of Bishen Sing: His own Sufferings.

## A P P E N D I X, N<sup>o</sup> 1.

- 7th. 6 a. Affidavit of Moonshy Patnimul: Proclamation at Benares against Protection of English Gentlemen, on Pain of Death and Forfeiture of Property.
- 8th. 7 a. Affidavit of Moonshy Gorepersaud—The same in Substance as the foregoing.
- 9th. 8 a. Affidavit of Doond Sing, Commandant—Attempt of the Rajah's Brother to seduce him from the Company's Service, in February 1781.
- 10th. 9 a. Affidavit of Moonshy Mahmud Moraud—Mutiny of Captain Williams's Sepoys.
- 11th. 10 a. Affidavit of Doond Sing, Commandant—Insurrections in Gorookpoor, &c.
- 12th. 11 a. Affidavit of Ahlaud Sing, Subadar—The same Subject.
- 13th. 12 a. Affidavit of Danno Sing Subadar—The same Subject.
- 14th. 13 a. Affidavit of Ram Sing Jemautdar—The same Subject.
- 15th. 14 a. Affidavit of Kundeall Sing, Commandant—The same Subject.
- 16th. 15 a. Affidavit of Beij Sing, Subadar—The same Subject.
- 17th. 16 a. Affidavit of Merum Moonshy—The same Subject.
- 18th. 17 a. Affidavit of Meer Ahmud Ally, Subadar—The same Subject.
- 19th. 18 a. Solemn Declaration of Ranny Golaub Koower—Preparations made at Ramnagur for attacking the Governor General in his Quarters—Disaffection of Raja Cheit Sing.
- 20th. 19 a. Affidavit of Gudrauje Sing, Killidar of Ramnagur—Murder of Mr. Hooker—Design to attack the Governor General's Quarters.

### N<sup>o</sup> 4. FOURTH PARCEL; viz.

- 1st. A. Affidavit of Captain Davy, Persian Translator.
- 2d. B. Affidavit of Hindoo Sing, Adjutant at Buxar—Attempts of the Rajah's Brother to seduce the Sepoys of the Garrison—Insolences of the Zemindars—Force attendant on the Rajah at Buxar—Orders to reduce the Fort of Buxar—Assault made on Ensign Bassett, and other Gentlemen at Beespoor.

### N<sup>o</sup> 5. FIFTH PARCEL; viz.

- 1st. A. Affidavit of Captain Davy, Persian Translator.
- 2d. B. Affidavit of Sheik Mahmud Aumeen Meyheer, Commandant in Cheit Sing's Service—List of Forces which attended the Rajah to Buxar—Massacre of Shewalla—Design to attack the Governor General's Quarters at Benares—List of Forces in the Service of Raja Cheit Sing.
- 3d. C. Affidavit of Sheik Hossain Olo, Jemutdar—Massacre of Shewalla.
- 4th. D. Affidavit of Bishen Sing, Subahdar—The same Subject.
- 5th. E. Affidavit of Ruggoober Orderly—The same Subject.

### N<sup>o</sup> 6. SIXTH PARCEL; viz.

- 1st. A. Affidavit of Captain Davy, Persian Translator.
- 2d. B. Affidavit of Contoo Doss—Proclamation issued at Benares, that whoever protected the English should be punished.

### N<sup>o</sup> 7. SEVENTH PARCEL; viz.

- 1st. A. Affidavit of Captain Davy, Persian Translator.
- 2d. B. Affidavit of Dadjoo Sing and Gobindram Misser, attesting the following Perwannahs.
- 3d. C. Affidavit of Captain Davy, P. T.
- 4th. N<sup>o</sup> 1. Perwannah from Rajah Cheit Sing to Dadjoo Sing, to join him and cut off the English.
- 5th. N<sup>o</sup> 2. Perwannah from D<sup>o</sup> to D<sup>o</sup> to join Fatty Shaw.

### N<sup>o</sup> 8. EIGHTH PARCEL; viz.

- 1st. A. Affidavit of Colonel Blair, commanding the Fort of Chunar, respecting false Intelligence, intended (as supposed) to prevent his sending Assistance to the Governor General at Benares.
- 2d. B. Affidavit of Captain M<sup>o</sup> Dougall, commanding a Battalion of Sepoys, detached to the Assistance of the Governor General at Benares, containing similar and false Intelligence to the same Effect.

## A P P E N D I X, N<sup>o</sup> 1.

### N<sup>o</sup> 9. N I N T H P A R C E L; viz.

Affidavits of English Gentlemen of the Infurrection in Gorookpoor, &c. their Connection with the Rebellion of Rajah Cheit Sing, and other Matters.

- 1st. A. Affidavit of N<sup>l</sup> Middleton, Esquire—Reports of Perwannahs issued by Cheit Sing, commanding the Destruction of the English, and Letters to the Nabob's Zemindars, inciting them to rebel—Fidelity and Attachment of the Nabob Vizier—Murders of Gope Gunjee—The Ministers of the Vizier's Mother encourage the Disaffection—Assist their levying of Troops at Fyzabad for Cheit Sing.
- 2d. B. Affidavit of Lieutenant Colonel Alexander Hannay, commanding a Corps of Sepoys in the Service of the Nabob Vizier—Hostile Practices of the Begums of Fyzabad—Troops levied there publicly for Cheit Sing, with the Encouragement of the Eunuchs of both the Begums—Actual Departure of 1,000 Levies—Remonstrances made by the Deponent to Bow Begum without Effect—Attack of Captain Gordon by Shumsheer Cawn, the Begum's Aumil—General Disaffection of Gorookpoor, and all the Country lying South of Fyzabad, fomented by the Agents of Cheit Sing, and by Money furnished by him.
- 3d. C. Affidavit of Major John M<sup>l</sup> Donald, commanding a Battalion of Sepoys in the Vizier's Service—Infurrections of Gorookpoor excited by Cheit Sing; encouraged by the Begums at Fyzabad—Total Defection of Fyzabad—The Rebellion of Cheit Sing preconcerted.
- 4th. D. Affidavit of Captain David Williams, commanding a Battalion of Sepoys in the Vizier's Service—Infurrection of Gorookpoor, &c. Mutiny of his own Sepoys.
- 5th. E. Affidavit of Captain John Gordon, commanding a Corps of Sepoys in the Nabob Vizier's Service—Hostile Acts of Shumsheer Cawn, Aumil of the Vizier's Mother, attributed to the Begum.

### N<sup>o</sup> 10. T E N T H P A R C E L.

- 1st. A. Affidavit of Jean Honore Mordelait, Private of the Company of Chasseurs, relating the Circumstances of the Massacre of his Comrades at Lutceespoor.

### N<sup>o</sup> 11. E L E V E N T H P A R C E L.

- 1st. A. Affidavit of Lieutenant Colonel Hannay—Plan concerted by the Begum to seduce from him his Followers, and to detain him at Fyzabad.

(Signed) Warren Hastings.

A true Copy of the Narrative.  
J. P. Auriol, Sec<sup>y</sup>.

# A. P. P. E. N. D. I. X, N<sup>o</sup> 1.

To Edward Wheeler, Esquire, &c. &c. &c. Council, Fort William.

N<sup>o</sup> 1. A.

Gentlemen,

**I** MUST have Recourse to your Indulgence, on the Occasion of every Report of Importance, for the Delay in transmitting it. Many are the Causes of these Delays, which I need not enumerate, as I am myself the principal Sufferer by them: Indeed I am almost tempted to say, that I find a Sufficiency for the Occupation of each Day in the Evil thereof, and in a Thousand little Occurrences, less known in a regular Process of Business, which exact their Share of Attention, and pass without any substantial Effect. It was for this principal Reason, that I have again shifted my Residence from Benares to this Place, where I shall hope for more Leisure to bring up a long Arrear of Business, than it would have been possible for me to have cleared if I had continued there.

I have now to inform you of my Transactions with the Nabob Vizier, during his short Stay at Chunar; these are comprised in the enclosed Papers.

N<sup>o</sup> 1. Articles of Agreement concluded with the Nabob Vizier.

N<sup>o</sup> 1. A and B. Explanation of the above Articles.

N<sup>o</sup> 2. Agreement of the Nabob Vizier.

N<sup>o</sup> 3. Reasons for the above Agreement.

N<sup>o</sup> 4. My Instructions to the Resident.

N<sup>o</sup> 5. Orders issued in consequence of the Agreement, N<sup>o</sup> 1.

The following are added as explanatory to the foregoing.

N<sup>o</sup> 6. Estimate of the temporary Brigade.

N<sup>o</sup> 7. Establishment and Estimate of the Charges of the Nabob Vizier's Arsenal.

N<sup>o</sup> 8. Establishment and Estimate of the Expences of Three Battalions of Sepoys, under the Command of Lieutenant Colonel Hannay.

N<sup>o</sup> 9. Establishment and Estimate of the Expences of the Nabob Vizier's Body Guard.

N<sup>o</sup> 10. Establishment and Estimate of Two Battalions of Sepoys, under the Command of Captain Osborne, now of Major Clark.

N<sup>o</sup> 11. Estimate of the general Disbursements made by Mr. Wombwell, Paymaster and Auditor of British Troops in the Service of the Nabob Vizier.

I have alluded to the general Reasons which have prevented me from transmitting the Reports of my Proceedings to the Board with Punctuality. I am obliged to add a special Cause for the present Instance; which is, that the Resident having carried with him all the authentic Papers relating to this Business to Lucknow, I have since waited both for them and for the preceding Estimates, which are yet incomplete, though sufficient for general Elucidation.

To the Copy of the Articles of Agreement, N<sup>o</sup> 1, I have added the Papers N<sup>o</sup> 1. A, B, C. which will fully explain my Reasons for the several Articles; and to these I beg Leave to refer you. Upon the Whole, generally, I have only to observe further, that the Agreement was drawn up from a Series of Requisitions presented to me by the Nabob, to whom I was happy in the Occasion of making such a Return for the uncommon Instance of Fidelity and Attachment which he had recently shewn to our Government, by an instant and unqualified Assent to each Article. This was done verbally in his Presence. And in like Manner I requested and obtained his Acquiescence in the short Condition which followed mine. I considered the Subject of his Requests as essential to the Reputation of our Government, and no less to our Interest than his; and if the Resident performs his Duty in the Execution of my Instructions, the Nabob's Part of the Engagement, by a singular Inversion of their Purposes, in both Instances will prove of still greater Benefit to him than to our Government, on whose Behalf it was exacted.

Chunar,  
29th November 1781.

A true Copy.  
(Signed) E. Hay,

Sub Secretary to the Honourable Board.

I have the Honour to be,  
with the greatest Esteem,  
Gentlemen,

Your most obedient Servant,  
(Signed) Warren Hastings.

The Nabob Vizier ul Mummalie Aseph ul Dowlah Aseph Jaw Cawn Behadre, having repeatedly and urgently represented, that he is unable to support the Expences of the temporary Brigade Cavalry and English Officers, with their Battalions, as well as other Gentlemen, who are now paid by him under the Denomination of Sebundy, &c. &c. and having made sundry Requests to that and other Purposes, and as the Constancy and Firmness of his Alliance with the Company entitle him to every Consideration and Relief that may depend upon us; I, Warren Hastings, Governor General, Imadut Dowlah Jelladit Jung Bahadre, &c. &c. on Behalf of the Governor General and Council, have agreed to the under-mentioned Articles, this 19th Day of September, in the Year of our Lord 1781, corresponding to the last of Ramzan 1195 of the Hidjerie.

SUP. SEL. COM. REP. II.

I

1st. That

N<sup>o</sup> 1. B.

A P P E N D I X, N° 1.

1st. That the temporary Brigade and Three Regiments, Cavalry, be no longer charged to the Nabob's Account for the Year Fuffullee 1189, excepting a Term of Two and an Half Months, which is required for their passing the Nabob's Boundaries; and for which, together with all former Arrears, their usual Pay and Allowances are to be made good: Also, the English Officers, with their Sebundy Battalions, and other Gentlemen, excepting the Resident's Office, now upon the Nabob's List, be no longer at his Charge for the Year 1189; the Arrears being paid up with the Addition of Two Months Allowances. The true Meaning of this being, that no more Troops be paid for by the Nabob than the Number of European Artillery and Sepoys agreed for, under Title of One Brigade, with the late Nabob Shujah ul Dowlah, now paid for at the Rate of 2,60,000 Rupees per Month, to which is now to be added One Regiment of Sepoys of the present Establishment, expressly allowed for the Purpose of protecting the Office, Treasury, and Person of the Resident at Lucknow; the Pay and Allowances of which are to commence from the 1st of Aughun next, at the Rate of Rupees 25,000 per Month. The Regiment to be relieved every Three Months. The Brigade to be stationed or moved wherever the Nabob shall direct, in the Mode prescribed in the former Treaty with the Nabob Vizier deceased. And finally, That whenever the Nabob Vizier shall require a further Aid of Troops from the Company, the Pay and Allowances shall commence from the Day of their passing the Caramnassa. Also, should the Assistance of the Nabob's Troops be required by the Company, their Pay and Allowances, as may be then agreed upon, be allowed during the Time they may serve.

2dly. That as great Distress has arisen to the Nabob's Government from the Military Power and Dominion assumed by the Jaguierdars, he be permitted to resume such as he may find necessary, with a Reserve, that all such for the Amount of whose Jaguiers the Company are Guarantees, shall, in case of the Resumption of their Lands, be paid the Amount of their net Collections, through the Resident, in ready Money.

3dly. That as Fayzula Khawn has, by his Breach of Treaty, forfeited the Protection of the English Government, and causes, by his Continuance in his present independent State, great Alarm and Detriment to the Nabob, he be permitted, when Time shall suit, to resume his Lands, and pay him in Money, through the Resident, the Amount stipulated by Treaty, after deducting the Amount and Charges of the Troops he stands engaged to furnish by Treaty; which Amount shall be passed to the Account of the Company during the Continuance of the present War.

4thly. That no English Resident be appointed to Furrukabad, and the present one recalled.

5thly. That the Treaties made between the English and the Nabob Shujah ul Dowla be ratified between the present Parties, as far as may be consistent with the above-written Articles; and that no Officers, Troops, or others, be put upon the Nabob's Establishment, exclusive of those herein stipulated.

(Signed) Warren Hastings. (L. S.)

(Signed) Warren Hastings. (L. S.)

A true Copy.

(Signed) E. Hay,

Sub Secretary to the Honourable Board.

The Nabob Vizier Ulmumalic Afof ul Dowlah, Afoph Jah Seheyah Cawn Behadre, having repeatedly and urgently represented, that he is unable to support the Expences of the temporary Brigade, Cavalry, and English Officers, with their Battalions, as well as the other Gentlemen, who now are paid by him under the Denomination of Sebundy, &c. and having made sundry Requests to that and other Purposes; and as the Constancy and Firmness of his Alliance with the Company entitle him to every Consideration and Relief that may depend upon us; I, Warren Hastings, Governor General, Imad ul Dowlah, Jelladit Jung Behadre, &c. on behalf of the Governor General and Council, have agreed to the undermentioned Articles, this 19th Day of September, in the Year of Our Lord 1781, corresponding to the last Day of Ramzan 1195 of the Hidjeree.

° I. C.

1<sup>st</sup>. That the temporary Brigade and the Regiments of Cavalry be no longer charged to the Nabob's Account for the Year Fussullie 1189, excepting a Term of Two and an Half Months, which is required for their passing the Nabob's Boundaries, and for which, together with all former Arrears, their usual Pay and Allowances are to be made good. Also, the English Officers with their Sebundy Battalions, and other Gentlemen, excepting the Resident's Office, now upon the Nabob's List, be no longer at his Charge for the year 1189, the Arrears being paid up with the Addition of Two Months Allowances. The true Meaning of this being, that no more Troops be paid for by the Nabob than the Number of Europeans, Artillery, and Sepoys agreed for, under the Title of One Brigade, with

1st. The Introduction to the Agreement contains Reasons in Support of this Article, which are incontrovertible. The Vizier declares, That he is absolutely unable to defray the Expence of these Troops. This Plea alone, if the Fact be admitted, will be allowed to be conclusive. But the Vizier urges our additional Claim to this Indulgence, and to every other in the Power of our Government to shew him, from the Fidelity and Attachment which he has unvariably manifested to the Company, and which was remarkably exemplified in the late alarming Conjunction, when every Art was employed to shake his Constancy, and to engage him in Measures which would have been productive of the most fatal Consequences.

These Arguments, though confined to the Rights and Interests of the Nabob, will be allowed a complete Justification of this Engagement: But I have others to offer in Support of it, affecting with equal Force the Interests and Security of the Company. To whatever Causes



## A P P E N D I X, N<sup>o</sup> 1.

the late Nabob, Shujah ul Dowlah, now paid for at the Rate of 2,60,000 Rupees per Month, to which is now to be added One Regiment of Sepoys of the present Establishment, expressly allowed for the Purpose of protecting the Office, Treasury, and Person of the Resident at Lucknow; the Pay and Allowances of which are to commence from the 1st of Aughun next, at the Rate of Rupees 25,000 per Month. The Regiment to be relieved every Three Months. The Brigade to be stationed or moved wheresoever the Nabob shall direct, in the Mode prescribed in the former Treaty with the Nabob Vizier, deceased. And finally, That whenever the Nabob Vizier shall require a further Aid of Troops from the Company, the Pay and Allowances shall commence from the Day of their passing the Caramnassa. Also, should the Assistance of the Nabob's Troops be required by the Company, their Pay and Allowances, as may then be agreed upon, be allowed during the Time they may serve.

Causes it may be attributed, it is certain that we do not at present reap those Advantages which we promised ourselves, and which we at first derived, from the Institution of the temporary Brigade. The actual Disbursements of it have fallen upon our own Funds; and we support a Body of Troops, established solely for the Defence of the Nabob's Possessions, at our own Expence. It is true, that we charge the Nabob with this Expence; but the large Balance already due from him, shews too justly the little Prospect there was of disengaging ourselves from a Burthen which was daily adding to our Distresses, and must soon become insupportable, although it were granted that the Nabob's Debt thus suffered to accumulate might at some future Period be liquidated. Our immediate Wants are too pressing, and our Means of supplying them too limited, to admit of such a Drain from our Funds, as is caused by the current Disbursements of the temporary Brigade; and their Recall, on that Ground alone, would be indispensable. In short, the Existence of this Corps added considerably to a Debt, which might never be realized, and intolerably to our current Expences. The Dissolution of it, in an æconomical Light, will advance one great Object of my Journey, which was to obtain instant Relief to our pecuniary Distresses, which this Measure will substantially effect as soon as the Reduction of the Corps withdrawn from the Stations of Futty Gur and Daranaghur takes place.

Should the Nabob find his own Strength unequal to the Defence of his remote Dominions, and again require our Aid for that Purpose, we shall have a Right to prescribe our own Terms, and may secure the certain and regular Payment of the Troops, instead of receiving a fallacious Credit, and making the actual Expenditure our own.

Notwithstanding the great Benefit which the Company would have derived from such an Augmentation to their Military Force as these Troops constituted, ready to act on any Emergency, prepared and disciplined without any Charge on the Company, as the Institution professed, until their actual Services should be required, I have observed some Evils growing out of this System, which in my Opinion more than counterbalanced those Advantages, had these been realized in their fullest Effect. The remote Stations of those Troops placing the Commanding Officers beyond the Notice and Controul of the Board, afforded too much Opportunity and Temptation for unwarrantable Emoluments, and excited the Contagion of Peculation and Rapacity throughout the whole Army. A most remarkable and incontrovertible Proof of the Prevalence of this Spirit, has been seen in the Court Martial upon Captain Erskine; where the Court, composed of Officers of Rank and respectable Characters, unanimously and honourably, "most honourably," acquitted him, upon an acknowledged Fact, which, in Times of stricter Discipline, would have been deemed a Crime deserving the severest Punishment.

In a political View, the Removal of these Stations will be of important Advantage, by contracting our Frontier, and adding to our interior Security and Defence.

I request that the Board will take these Arguments into their serious Consideration, and, if they are pleased to allow them that Weight which they have had in actuating my Conduct, that they will consult the Commander in Chief upon the Reduction and Distribution to be made of the Corps in question, that they may not remain

remain an unnecessary Burthen upon our Funds; and upon such a Disposition of the Army in general as may be suitable to our present and future Situation in every probable Variation of it, both foreign and domestic.

With respect to the Removal of the Company's Servants, Civil and Military, from the Court and Service of the Vizier, I was actuated solely by Motives of Justice to him, and a Regard to the Honour of our national Character. In removing those Gentlemen, I diminish my own Influence, as well as that of my Colleagues, by narrowing the Line of Patronage; and I expose myself to Obloquy and Repentment from those who are immediately affected by the Arrangement, and the long Train of their Friends and powerful Patrons. But their Numbers, their Influence, and the enormous Amount of their Salaries, Pensions, and Emoluments, were an intolerable Burthen on the Revenues and Authority of the Vizier, and exposed us to the Envy and Repentment of the whole Country, by excluding the native Servants and Adherents of the Vizier from the Rewards of their Services and Attachment.

Art. 2d. That as great Distress has arisen to the Nabob's Government from the military Power and Dominion assumed by the Jagheerdars, he be permitted to resume such as he may find necessary; with a Reserve, that all such for the Amount of whose Jagheers the Company are Guarantees, shall, in case of the Resumption of their Lands, be paid the Amount of their net Collections, through the Resident, in ready Money.

The Mischiefs to which the Nabob is exposed, from permitting a Number of rich independent Estates, supporting a Body of military Tenants, to be maintained in the Heart of the Country, are of the same Nature which we have recently experienced from the enormous Wealth and Influence of Rajah Cheit Sing; and in fact, the Nabob did experience them also, and at the same Time, and from the same Causes.

The Jagheers possessed by the Begums have enabled them to give frequent Disturbance to the Nabob's Government; and it can be well attested that they principally excited and supported the late Commotions in Gooruckpore, &c. in Concert with Cheit Sing, and that they carried their Inveteracy to the Nabob and to the English Nation so far, as to aim at our utter Extirpation. By a Disposition so malignant, and a Conduct so offensive, and even dangerous to our Existence, as have been manifested by the Begums, without the smallest Injury or Provocation on our Parts, they have forfeited all Claim to that Protection which we afforded them, in exacting from the Nabob, at the Time Mr. Bristow assisted him in obtaining 30 Lacks of Rupees from them, on a Promise to our Government that those Ladies should enjoy full Possession of their Jagheers unmolested. We have a Right to withdraw this Protection when they are no longer worthy of it, and to provide against their Machinations by a Concession of that Pledge which afforded them the Means of injuring and distressing us.

The Begums will suffer no actual Loss by the Resumptions of the Jagheers, (except of an Influence which they have invariably employed to the most pernicious Purposes against one State which conferred, and another which secured and protected them) since it is stipulated that they shall receive the Amount of the net Collections of them in Money by the Hands of our Resident.

These Arguments will apply to the Situation of all the other Jagheerdars, though they may not to their actual Conduct or Dispositions; but as we are neither engaged for their Possessions, nor have any immediate Connection with them, the Nabob should be left to the Exercise of his own Authority and Pleasure respecting them.

Art. 3d. That as Fayzula Khawn has, by his Breach of Treaty, forfeited the Protection of the English Government, and causes,

The Conduct of Fayzula Khawn, in refusing the Aid demanded, though not an absolute Breach of Treaty, was evasive and uncandid. The Demand was made for

## A P P E N D I X, N° 1.

causes, by his Continuance in his present independent State, great Alarm and Detriment to the Nabob, he be permitted, when Time shall suit, to resume his Lands, and pay him in Money, through the Resident, the Amount stipulated by Treaty, after deducting the Amount and Charges of the Troops he stands engaged to furnish by Treaty; which Amount shall be passed to the Account of the Company during the Continuance of the present War.

5,000 Cavalry. The Engagement in the Treaty is literally for 5,000 Horse and Foot. Fayzula Khawn could not be ignorant that we had no Occasion for any Succours of Infantry from him, and that Cavalry could be of the most essential Service. So scrupulous an Attention to literal Expression, when a more liberal Interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly Disposition, though it may not impeach his Fidelity, and leaves him little Claim to any Exertions from us for the Continuance of his Jagheers. But I am of Opinion, that neither the Vizier's nor the Company's Interests would be promoted by depriving Fayzula Khawn of his Independency; and I have therefore reserved the Execution of this Agreement to an indefinite Term, and our Government may always interpose to prevent any ill Effects from it.

Art. 4th. That no English Resident be appointed to Furrukabad, and the present one recalled.

I was glad to acquiesce in this Article, as it met my own Wishes of freeing the Nabob Muzuffer Jung from that unwarrantable and oppressive Restraint which he has so long endured from the Usurpations of the Court of Lucknow, and from which he has long and unsuccessfully solicited Relief of our Government. It was a Subject of Difficulty and Delicacy for us to interpose in Favour of Muzuffer Jung's Rights, invaded by the Vizier; but in permitting a Resident at Furrukabad, for the express Purpose of receiving the Assignments on that Country, transferred to us by the Vizier, publicly avowed and gave Sanction to all the Injustice and Injury complained of against the Servants of the Nabob, and opened a Door for new ones against our own.

The Removal of Mr. Shee is an Example which I have recommended to the Nabob to imitate; to leave Muzuffer Jung in the uncontrolled Exercise of his Authority over the small Remains of his Country; and, if that little must be still subject to a Tribute, that he may collect and pay that Tribute himself.

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

Having on my Behalf agreed to the Requisitions of the Nabob Vizier, without Diminution or Reserve, I must now repeat the Request, which I before verbally made to him, that he will be pleased to attend to such Proposals as I shall have to make to him; and to these I expect his Assent the more readily, as they have for their ultimate Object his Interest alone, that of the Company being no further concerned, than in the Influence which they will eventually have in the Payment of the Debt due from the Nabob to the Company. I therefore recommend to him to reduce the great Number of his Sibundy and other Troops to regular and complete Establishments; not to be paid by Assignments of Revenue, but in Money from the Treasury; and their Number not to exceed the certain Means of paying them. But as this may be difficult, without making a Separation of the Nabob's public and private Funds, I further recommend, that he receive into his private Purse no more than a fixed Monthly Sum for the Expences of his Person and Household; and that the Remainder of the net Collections be left in a public Treasury, under the Management of his public Ministers, and the Inspection of the Resident, for the Discharge of his Military and Civil Disbursements.

N° 1. D.

This Advice is not meant to affect the Assignments annually, and which must be annually renewed for the Payment of the past Debt, and the current Demands of the Company.

Signed and Sealed by the Nabob, accepting and promising to conform to the above Advice.

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

Having on my Behalf agreed to the Requisitions of the Nabob Vizier, without Diminution or Reserve, I must now repeat the Request which I before verbally made to him, that he will be pleased to attend to such

SUP. SEL. COM. REP. II.

such

In this single Requisition, which I have made to the Nabob, I have consulted his Ease, Dignity, and Advantage, as much as the Security of the Company's Property, which is at present, or may be hereafter, in his Hands.

N° 1. E.

K

The

## A P P E N D I X, N<sup>o</sup> 1.

such Proposals as I shall have to make to him; and to these I expect his Assent the more readily, as they have for their ultimate Object his Interest alone, that of the Company being no further concerned, than in the Influence which they will eventually have in the Payment of the Debt due from the Nabob to the Company. I therefore recommend to him to reduce the great Number of his Sibundy, and other Troops, to regular and complete Establishments; not to be paid by Assignments of Revenue, but in Money from the Treasury, and their Number not to exceed the certain Means of paying them. But as this may be difficult, without making a Separation of the Nabob's public and private Funds, I further recommend, that he receive into his private Purse no more than a fixed Monthly Sum for the Expences of his Person and Household; and that the Remainder of the net Collections be left in a public Treasury, under the Management of his public Ministers, and the Inspection of the Resident, for the Discharge of his Military and Civil Disbursements.

This Advice is not meant to affect the Assignments annually, and what must be annually renewed, for the Payment of the past Debt and the current Demand of the Company.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the Honourable Board.

The Numbers and licentious Spirit of the Vizier's Shebundy and other Troops, without Discipline or Obedience to Command, regularly paid, and that by the worst Mode, Assignments on the Collections, were disgraceful to the Authority, and dangerous to the Security of the Vizier, and an intolerable Grievance to the Country.

By reducing this disorderly and useless Rabble, and forming a new Establishment, to be well appointed and commanded, and punctually paid in Money, he will have an Army creditable in Appearance, of effectual Service, protecting instead of distressing his Country, and a great Saving of Expence.

The latter Part of this Requisition is equally calculated for the Honour and Interest of the Vizier: To discriminate his Disbursements; to make separate Provision for each Branch of Expenditure, and limit those for his Household and private Expences to a specific Sum; will introduce Order and Regularity into the Accounts, and enable the Ministers to ascertain and make an early Provision for Deficiencies; and the Participation which is allowed our Resident, in the Inspection of the public Treasure, will secure the Receipts of the Company's Demands; whilst the Influence which our Government will always possess over the public Ministers of the Nabob, and the Authority over our own, will be an effectual Means of securing an attentive and faithful Discharge of their several Trusts, both towards the Company and the Vizier.

N<sup>o</sup> 1. F.

In a great public Measure, constituted on a large and established System, and destructive in its instant Effect of the Interests and Fortunes of many patronized Individuals, I have no Claim to an Exemption from the common Lot of all Innovators; but must expect that Share of Reproach which the Disappointment of some, the Malevolence of others, the general Proneness to Suspicion which prevails in the Bulk of Mankind, and a Difference of Opinion even in the most candid, may lay in Store for me. I think it therefore not sufficient to have displayed the Motives of my Conduct, and the Good which may result from it; but shall proceed to state all the Objections which may be made to it, with my Answer to each. Even this Precaution is liable to its peculiar Objection, to the Charge of a Consciousness of Error, too readily anticipating the Imputation of it, and implying its Existence; and it will be said on this, as it has been said on a thousand similar Occasions, that the Defects which I have thus supposed, must have had some Ground for them, or they would not have occurred as such to myself, against an Act of my own; nor excited so uncommon an Eagerness to refute them. To this I reply, That there is no Proposition, which the Wit of Man cannot find plausible, and perhaps even just Cause to censure, by a false and partial Review of it; and I of all Men may be allowed to dread this Treatment, after having invariably experienced it in every Instance of my public Life.

I shall proceed as above, to state the Objections in One Column, and the Answers to them in the opposite.

To the first Article it may be objected; 1<sup>st</sup>, That while Troubles were gathered and collecting all round us, it was unsafe and imprudent to lessen our Force in the distant Provinces. 2<sup>dly</sup>, That the internal Safety of the Nabob Vizier's Dominions, will not admit of our immediately withdrawing our Officers from his Service. 3<sup>dly</sup>, That the temporary Brigade was an Addition to our military Strength, and, if reformed, we should become proportionably weaker. 4<sup>thly</sup>, That if drawn into our own Provinces, we shall continue indeed

To these Objections I shall reply, with a Reference to their numerical Order:

1<sup>st</sup>, This Argument was much stronger, when it was first suggested, against the Measure actually depending, when we were engaged in a War with Mahdajee Scindia, near our own Borders; when the War in the Carnatic wore so unfavourable an Appearance as to portend the Union of the whole Maratta State and other Powers against us; when a sudden Rebellion had deprived us of every Foot of Land in this Province, and the Contagion had involved the whole Province of Owde in a similar Defection, and was spreading to the Doaub and Rohilcund; and when even our own Province

## A P P E N D I X, N<sup>o</sup> 1.

equal in Strength, and perhaps stronger; but we incur an additional Expence, and from what Fund is this Expence to be defrayed, our Revenues in Bengal being unequal to the Expences already chargeable upon them? 5thly, The Injury sustained by Individuals withdrawn from the Nabob Vizier's Service, is not likely to be made a public or avowed Objection; but as a private one, it will operate with more Force against the Author of it, than any that can affect the State alone.

vince of Bahar was ready for an Insurrection, without any present Means of Defence.

These Objections I saw and felt in their fullest Force; but I knew, or believed I knew, that with the Suppression of the Rebellion in this Province, every other Evil would be instantly dissipated; that if this was not instantly suppressed, the Disorders would so multiply and gather Strength around us, that neither our Military Strength, nor Resources of Wealth, would suffice to oppose them; and in that desperate State we should require the Exertion of our whole Force in our own Defence, which we had no Right, without a Violation of public Faith, and even of common Honesty, to withdraw from the Nabob Vizier's equally pressing Wants, while he paid for it. With respect to the War with Mahdajee Scindia, the same Troops that were then opposed to him, would continue of course opposed to him, if the War continued; nor could we spare more for other Diversions, if the Nabob Vizier's Claim to the exclusive Use of the temporary Brigade continued. Thus it will appear, that by withdrawing the temporary Brigade, our Force was not lessened, but in effect augmented, in the distant Provinces; which is a clear Answer to the Objection.

2dly. This is not our Concern, if the Nabob, whose it is, affirms the contrary; and though it may eventually affect us, we should be less liable to suffer by a remote Contingency, than by the immediate Privation or Dissipation of our own Troops, employed in Anticipation of possible Evils affecting us through him, while our own Exigencies immediately demanded their Exertions. But in Truth, I much suspect the Position; having been too much accustomed to the Tales of hostile Preparations and impending Invasions, against all the Evidence of political Probability, to regard them as other than Phantoms raised for the Purpose of perpetuating or multiplying Commands. Who are the Invaders of the Daub and Rohilcund? Not the Marattas; they are fully occupied in the Defence of their own Territories: Not the Sies; they are engaged with Nudjiff Cawn in an unequal War: And Nudjiff Cawn, with foreign Concerns, with domestic Intrigues, and the Habits of late-acquired Sloth, and an unwieldy, unpaid, and licentious Army, can have little Leisure or Inclination to embroil himself in new Difficulties, by a War with the Vizier and the English.

The 3d Objection I have answered in my Reply to the First.

The 4th I have anticipated in my Enumeration of the Reasons for withdrawing the temporary Brigade; and have shewn, that in respect to the present Time, our certain Means and current Wants, we gain nothing by a Credit in Account for a Charge which is unavoidably our own while the Corps subsists, and which we can only lessen by a Reduction of the Corps itself.

To the 5th I answer, from the Discharge of the Vizier's Debt to the Company, which the Reduction of his Expences, the Resumption of the Jagheers, and Improvements recommended in his Administration, ought, and I have no Doubt will, afford him ample Means of discharging.

The last Objection is independent of Reason, which few Men are pleased to admit against their own Interests, their Connections, or the Pride of Patronage. I have acted with the strictest Impartiality, I have spared no Friend of my own, or of my Friends, but have dealt with equal Rigour to all; the Times would not suffer me to dissipate the Benefits of my public Influence to Individuals, and at the same Time provide for the public Wants. I was compelled

## A P P E N D I X, N<sup>o</sup> 1.

compelled to make my Choice, and in preferring the latter I have made a light Sacrifice of my own personal Ease to the Safety of the Public, and to my own involved in it. This was the sole Motive that I had, or could have, in it.

Few Objections can be made to the 2d Article; it may be suggested, 1st, that it will excite Clamour and Discontent, which in the present Time may be dangerous; and 2dly, that it will be, in a principal Instance, a Breach of our Faith, which is pledged to guarantee a Treaty concluded, through the Means of Mr. Bristow, between the Nabob Vizier and Nawaub Allea Begum, his Mother; in which it is stipulated, that no subsequent Claim should be made on her Property, or Invasion of her Rights.

To the 3d Article I have already stated, answered, and obviated, the only Objection that can be made to it.

Objection to the 4th Article, That this Condition might more properly have been exacted by Mozutter Jung than Affof O'Dowla; and that by proceeding from the latter, who is already supposed to have oppressed the former, it may appear as if he was desirous of removing all Check to his Oppressions.

The great Objection to the 5th Article has been answered in the Answer to the last Objection on the First. It may indeed be asked as a further Objection, why we are so scrupulous about Appointments made by our Recommendation, when the Nabob himself is, by the same Agreement, precluded from appointing his own Military Commanders without the Concurrence of the English Resident?

2d. No Effects of any additional Clamour and Discontent, excited by the Resumption of the Jagheers, would excite those of their actual Defection; and the Begum herself had forfeited all Pretension to the Benefit of the Treaty executed for her Behalf, by having been the first Mover and most busy Actor of the Sedition.

4. If the Nabob Mozutter Jung must endure Oppression, and I dare not at this Time propose his total Relief, it concerns the Reputation of our Government to remove our Participation in it. It is a Fact, that Mr. Shee's Authority over the Territory of Furukabad is in itself as much subversive of that of its lawful Ruler as that of the Vizier's Aumil ever was, and is the more oppressive, as the Power from which it is derived is greater. It is a Fact, that the Nabob Mozutter Jung is equally urgent with the Nabob Vizier for the Removal of our Resident; and it is my Care, that his Servitude shall not be transferred, if I can help it. The Imbecility of Mozutter Jung, and the distracted State of his Affairs, will not admit of his being left in the uncontrolled Management of them. He must be in a State of Pupilage to some one; and it is my Desire, that a proper Guardian may be selected for him, from the ancient Dependants of his Family. This was too delicate a Matter to be made the positive Article of a Convention, and may be better converted to its professed Purposes, by the mutual good Understanding which subsists between the Nabob Vizier and myself, than by a formal Obligation, which it would have been difficult to apply to any precise and determined Point.

The Difference is infinitely wide between a positive and a negative Recommendation; and the Right of the latter is confined to the Resident alone as a Point of official Duty. If he abuses it, it is at his Peril, and the Nabob has a ready Appeal, and the Encouragement of Experience to expect Redress from such Appeal, on a just Occasion. The Truth is, that the Necessity of the Reservation arose from a too well known Defect in the Nabob's Character. If he shall make Choice of Men of Character and Rank for the Command of Posts in his Army, the Resident has no Right to exercise the Privilege which the Nabob has yielded to him, on the Plea that there are other Men better qualified. If this Check be withdrawn, and the Choice left absolutely to the Nabob, the first Commands in his Army will be filled by the most worthless and abandoned of his Subjects. His late Commander in Chief is a signal and scandalous Instance of this.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the Honourable Board.



# A P P E N D I X, N° 1.

To Mr. Nathaniel Middleton, Resident at the Court of the Nabob Vizier.

N° 1. G.

Sir,

Having on the 19th Instant entered into certain Engagements with the Nabob Vizier, tending to relieve his Finances of a Burthen they were no longer able to sustain, with sundry other Clauses, the Execution of which is intrusted to you; I herewith inclose an authentic Copy of the same, for your Guidance. The Nabob, on his Behalf, has subscribed and sealed an Agreement in your Presence, and in the Presence of Mr. Richard Johnson and Hyder Beg Cawn, respecting the better Administration of his Affairs; of which I also transmit you an authentic Copy.

To these Papers, and to the Points consequently and necessarily dependant on them, I think it necessary to add the following Instructions; to which I require your most implicit Obedience.

I need scarcely inform you, that my chief Object in my Negotiations with the Nabob, has been to induce and assist him to bring his Government and Finances into such Regularity, as to prevent his Alliance being a Clog instead of an Aid to the Company, and to enable him to discharge his Debt in the shortest Time possible. To this End, the most essential Point is to limit and separate his personal Disbursements from the public Accounts: They must not, in their total annual Amount, exceed what he has received in any of the last Three Years. This Amount, in Twelve equal Parts, should be paid him Monthly out of the First Receipts, and the Remainder of the net Collections placed separately in a public Treasury, from whence his Public, Military, and Civil Establishment must be paid, under the sole Management and Controul of the Ministers, with your Concurrence. It is of course to be understood, that this has no Connection, and is in no Shape to interfere, with the Company's Assignments, and the Collections upon them, which are to be conducted as usual. And as by the Addition of the Jaghire Lands, with their Revenues, to the Nabob's regular Collections, his Income will, or ought to be, considerably increased, I shall expect that the Whole of the Excess be appropriated to the Discharge of the Nabob's Debt to the Company.

After settling the Amount of the personal Disbursements of the Nabob Vizier and his Household, the next Point that will require your Exertions, towards the general Arrangements of the public Charges, is the Reform of the established Multacena Troops, reducing them into One established Corps for the whole Service. If this Corps should be brought to consist solely of Cavalry, it would best answer mutual Benefit; leaving no Infantry in the Nabob's Service, but what may be necessary for his Body Guard; and to supply the Deficiency, should any occur from such Arrangement, our Infantry may be employed where Infantry are wanted.

The Corps reformed and established, their Pay must be issued from the public Treasury. No Assignments to be in future granted them, and those already issued, to be recalled. To complete this, all Numbers above what the real Service may require, or the actual net Receipts may be adequate to the full Payment of, must be disbanded as fast as their Arrears can be paid off.

The Nabob will select and appoint his own Commanders; but if he should nominate improper Persons, such as Men commonly known by the Name of Orderlies, or others deriving their Influence from them, or of known Disaffection to our Government, you are in such a Case to remonstrate against it, and if the Vizier shall persist in his Choice, you are peremptorily, and in my Name, to oppose it, as a Breach of his Agreement.

For the Management of the Collections, the Ministers, with your Concurrence, are to choose all Aumils and Collectors, and in their Choice to be guided by the Responsibility and good Reputation and known Ability of the Persons they elect, that, as far as possible, Changes should be avoided.

Much is to be said, though little may now suit, upon the Subject of the Distribution of Justice in the Nabob's Dominions. For the present, I limit myself to direct you to urge the Nabob to endeavour gradually, if it cannot be at once, to establish Courts of Adalut throughout his Districts; the Daraghas, Mowlavies, and other Officers of which, must be selected, as in the Case of the Aumils, by the Ministers, with your Concurrence. The Want of these Courts is equally hurtful to the Revenue, Government, and Reputation of the Nabob.

In consequence of the Disturbances which the rebellious Example of Rajah Cheyt Sing has caused in the Nabob Vizier's Country, I have instructed Colonel Morgan to assist you, in the Requisition of the Vizier, communicated by you to him, or at your own single Application, if any Case of Emergency should make it needful, with such Detachments as may be necessary, exclusively of the Regiment of Sepoys which is stipulated to remain with you at Lucknow. This Power you are not to risque but in Cases of the most urgent and manifest Necessity. It is directed, that the Regiment ordered for the immediate Protection of your Office and Person at Lucknow, shall be relieved every Three Months, and during its Stay there shall act solely and exclusively under your Orders.

It is finally my positive Order, that you do not permit any British Subject, or others claiming the Name and Protection of the Company, to reside at Lucknow, or within any Part of the Dominions of the Nabob Vizier, except the Officers and Soldiers of the Army acting in their Duty, and such Persons as are officially appointed to remain there. And that to such as are now at Lucknow, or in any other Part of his Dominions, and falling within the Description of the above Exception, you give due Notice in Writing, that they quit the Country, allowing them a reasonable Time, not ex-

## A P P E N D I X, N<sup>o</sup> 1.

ceeding Three Months, to settle their Affairs; and in case of their Refusal, you are to inform the Nabob thereof, that he may use his own Authority to compel them to depart.

Chunar,  
23d September 1781.

I am, Sir,

Your most obedient humble Servant,  
(Signed) Warren Hastings.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

I<sup>o</sup> 2. A.

To Edward Wheler, Esquire, &c. &c. &c. Council, Fort William.

Gentlemen,

Having thought necessary to establish Courts of Judicature for the Protection of the Persons and Property of the Inhabitants of the Town of Benares, I now do myself the Honour to lay before you a Copy of the Plan on which these Courts are formed. I shall proceed to submit to you the Reasons which have given rise to this Plan, and flatter myself, that they will induce you to honour it with your Concurrence and Approbation.

The Town of Benares has long been deficient in all those Regulations, which in populous Places are necessary for the Preservation of Peace and good Order, and the Protection of the Property and Persons of the Inhabitants. Whilst, however, the Sovereignty over it was retained by the Soubah of Owde, some Appearance of public Justice was still preserved, and the Awe of a despotic Prince produced Restraints on the Minds and Actions of Individuals, which bore a Resemblance, however faint, to the Effects of more regular and perfect Instructions. But these Restraints ceased with the Cause which produced them. By the Treaty made by the Nabob Asoph ul Dowlah, on the 21st May 1775, the Sovereignty of Benares was ceded to the Company, and soon after the Cootwallie, or Superintendence of Police, was formally made over by us to the late Rajah. From this Period the Appearance of public Justice was gradually effaced, till at last, without any System of Police, any Courts of Judicature, or any Awe of the sovereign Power, the Inhabitants of Benares were guilty of Enormities and Crimes which reflected the greatest Disgrace on the Government to which they were subject. The Relations and Dependants of the Rajah, or the Merchants whose Credit was useful in the Payment of his Revenue, might violate the Rights of their Fellow Citizens with Impunity; and the sacred Character of a Bramin, or the high Rank of the Offender, were Considerations which stamped a Pardon on the most flagitious Crimes.

Such was the State in which I found the civil Government of the Town when I arrived at Benares. All Ranks of People joined in their Representations of the Necessity of a Reformation; and this appeared the more necessary from a Consideration of the Circumstances which are peculiar to Benares. Its Temples are held in particular Veneration by the Professors of the Hindoo Religion, who flock to it on occasional Pilgrimages from the most remote Parts of Hindostan, and many who have acquired independant Fortunes retire to close their Days in a Place so eminently esteemed for its Sanctity. It may therefore rather be considered as the Seat of the Hindoo Religion, than the Capital of a Province. But its Inhabitants are not composed of Hindoos only; the former Wealth which flowed into it from the Offerings of Pilgrims, as well as from the Transactions of Exchange, for which its central Situation is peculiarly adapted, has also attracted Numbers of Mahomedans, who still continue to reside in it with their Families. Amongst such a Mixture of Persons, mostly without Employment, of different Countries, and of different Sorts and Religions, it is obvious that every Defect of Civil Government must be productive of more than ordinary Evils; and these Evils are propagated in all Quarters of India, to the Discredit of our Government, and to the Hindrance and Discouragement of those who, under more favourable Circumstances, might wish to repair with their Wealth to Benares.

For these Reasons, after my Return from Chunar, when I began to settle the Affairs of this Province, the Reformation of the Civil Government of the Town of Benares was one of the first Objects to which I thought it necessary to turn my Attention. The Plan which I have formed is now submitted to your Consideration. You will observe, that I have established Three distinct Departments, for the Police, and the Civil and Criminal Jurisdiction; and I have put the Whole under the Regulation and Controul of One Chief Magistrate, who is to be subject to the immediate Orders of the Board. It was at first my Intention to have included also under his Authority, the Collection of the Revenues and Customs of the Town; but I found that this would give great Discontent to the new Rajah, and might perhaps hurt his Influence in the Management of the Revenues of the rest of the Province; I have therefore left it out; at the same Time I am sensible, that it is a Defect which may occasion some Inconveniencies, from the clashing of the Authorities of the Rajah and the Chief Magistrate.

The Person whom I have chosen to fill the important Station of Chief Magistrate, is Ally Ibrahim Cawn, a Man who has long been personally known to myself, and I believe to many Individuals of our Government, and whose Character for Moderation, Disinterestedness, and good Sense, will bear the Test of the strictest Enquiry. On his good Conduct must doubtless, in a great Measure, depend the

## A P P E N D I X, N° 1.

the Success of a Plan which is to take Effect at so remote a Distance from the Seat of our Government; and it is chiefly from the Reliance I have in him personally, that I have ventured to delegate a Degree of Authority to him, which it would perhaps be unsafe to vest in a Person of a less established Character.

In forming the Establishment, I have calculated the Allowances of the Chief Magistrate and his Officers in Proportion to the Importance and Degree of Trust annexed to their several Employments; and I have fixed them at such Rates, as will set them above the Necessity, and I hope the Temptation, of having Recourse for a Subsistence to the Practices of Corruption.

I have the Honour to be,

Gentlemen,

Your most obedient

humble Servant,

(Signed)

Warren Hastings.

Benares,  
1st November 1781.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the Honourable Board.

19th October 1781.

N° 2. B.

Whereas the Town of Benares is, and has been for many Years past, totally deficient in every essential Regulation, usually established in all large and populous Places for the Maintenance of Peace, and the Security of the Persons and Property of the Inhabitants: And whereas the said Place is the fixed Residence, or occasional Resort, of Persons of all Religions, from every Part of Hindostan and Decan, and in effect rather the capital Seat of the Religion of the Hindoos than of the Territory to which it immediately appertains; and from that Consideration alone, demands a more immediate Protection and Attention from the Powers of Government: For these Reasons, the Governor General, in virtue of the Powers vested in him by the Governor General and Council, and in the Name of the East India Company, doth hereby ordain and proclaim,

That a Person shall be invested with the Chief Magistracy of the said Town, with full and complete Authority over every Person inhabitant or resident therein, for the Preservation of the Peace and Administration of Justice, with the Title of Chief Magistrate of the said Town of Benares.

And it is further ordained and proclaimed, That to enable him duly to execute the said Duties so assigned him, Three Officers, as hereinafter described, shall be established, in the Manner and with the Powers hereinafter mentioned.

First. A Cutwall; whose Duty it shall be to apprehend Persons who shall be guilty or accused of Murder, Robbery, Burglary, Theft, or any other Acts of Violence committed in the Town of Benares against the Peace, Persons, or Property of the People, and to deliver over the said Persons to the Court of Criminal Justice, hereinafter appointed and described; and to suppress and prevent all Riots and Disturbances in the said Town, with the Power of inflicting immediate Punishment, with Stripes of a Rattan, not exceeding Twenty, on any Offender: For which Purposes as aforesaid, a certain Number of Pikes or Peons in Monthly Pay, and distinguished by certain known Badges, shall be put under his Charge and Authority by the Chief Magistrate, to patrol the Streets at such Times as he shall appoint, and to be occasionally employed in executing the other Services of his Office. And the said Cutwall shall receive his Appointment from the Chief Magistrate, who shall also have the Power of dismissing him and appointing another, and of dismissing any of the Officers employed under him. And the said Cutwall is required to obey all Orders, relative to the Duties aforesaid, which he shall receive from the Chief Magistrate.

Secondly. One criminal Court or Foujedarry Adawlut; which shall be composed of One Derogah and Three Molavies, Men of approved Integrity, and Skill in the Knowledge of the Mahomedan Laws; for the Trial of all Persons who shall be brought before them, and accused of Murder, Highway Robbery, Burglary, Theft, or any other Acts of Violence, committed in the said Town, against the Peace, Persons, or Property of the People: And the Soorut Hall and Futwa, or Proceedings and Sentence of the said Court, shall, on the Close of every Trial, be laid before the Chief Magistrate; who, after a due Examination thereof, shall return the same to the Derogah and Molavies of the said Court, with his Warrant for carrying the same into Execution; and the Derogah and Molavies of the said Court are required and commanded to cause the same to be carried into Execution. And the said Derogah and Molavies shall receive their Appointments from the Chief Magistrate, who shall also have the Power of dismissing them, and appointing others in their Room; and the Chief Magistrate shall have the Power to establish Rules of Process for the said Court, which Rules the said Derogah and Molavies are hereby required to obey.

Thirdly. One Civil Court, or Dewanny Adawlut; which shall be composed of One President or Derogah, and Three inferior Judges, being Men of known Integrity and Understanding, who shall be chosen from among the Inhabitants of the said Town; for the Trial and Decision of all Debts, Pledges, Mortgages, disputed Accounts, Transfers of Property, Rights of Neighbourhood, contested Boundaries, Rights of Marriage and Claims of Inheritance, and of all other Claims of Property, whether real or personal, according to the Principles of natural Justice, in all Cases not depending

## A P P E N D I X, N<sup>o</sup> 1.

on the particular and prescribed Laws and Institutes of the Parties; and in all Cases which shall depend on the particular Laws and Institutes of the Parties, the said President and Judges shall first determine on the Facts, as ascertained by the Evidence before them, and shall adjudge the Right as established by those Facts, according to the respective Laws and Institutes of the Parties, whether they be Mussulmen or Hindoos; and for this Purpose they shall be assisted by Two Mussulmen, versed in the Serrah or Mahomedan Law, and Two Pundits, versed in the Pootee or Code of Justice instituted for the Professors of the Hindoo Religion, whose Opinions shall be consulted and taken in all Cases referable to them, as aforesaid. And it is further ordained, That in all Cases wherein the Judges shall not agree in One Judgment, their Opinions shall be severally delivered and recorded, and the greater Number of Opinions on One Point shall be taken and considered as the compleat Judgment of the Court thereon; and if the Number of Opinions shall be equal, that of the President shall be taken and deemed as equivalent to Two Opinions, and the Judgment of the Court shall be passed accordingly; and their Judgment shall be final in all Causes of which the original Amount or Matter in Suit shall not exceed One thousand Rupees: And in all Causes of which the original Amount or Matter in Suit shall exceed One thousand Rupees, it shall be allowable to appeal from the Judgment of the said Court, within the limited Time of One Month from the Date of the Judgment, to the Chief Magistrate, who shall have Power to revise the same, or, if he shall think fit, to try the Cause again, with such further Evidence as the Parties shall bring before him, sufficient Reasons, to his Satisfaction, being given for their not having been before produced; and either to confirm or reverse the former Judgment, or to pass a new Judgment on the Cause; and his Judgment shall be final and conclusive. And it is hereby required and commanded, That the Chief Magistrate, and the President and Judges of the said Court of Dewanny Adawlet, shall keep Records of their respective Proceedings; which Records shall be admitted as Evidence in all future Causes. And the President and Judges of the said Dewanny Adawlet shall receive their Appointments from the Chief Magistrate, who shall also have the Power of dismissing them and appointing others in their Room; and the Chief Magistrate shall have the Power to establish Rules of Process for the said Court, which Rules the President and Judges of the said Court are hereby required to obey.

And it is further required and commanded, That the Chief Magistrate do transmit to the Governor General and Council, Monthly, Copies of his Proceedings, and Reports of all Persons appointed or dismissed in the superior Offices, and of all new Regulations established by him as aforesaid, and of all Rules of Process instituted for the Two Courts of Foujedarry and Dewanny Adawlet, and in general of all other Matters of Consequence, which shall relate either to the general State of the Town, or to the several Branches of his Department; and shall obey all such Orders as he shall receive from the Governor General and Council. Although the Authority of the Chief Magistrate is, for the Purposes of this Institution, restricted to the Limits of Benares; yet, that the Ends of it may not be defeated by Offenders flying from his Jurisdiction beyond those Limits, it is hereby explained and declared, That if any Persons shall be guilty of Offences within the Town of Benares, and shall escape beyond the Limits of the said Town, the Chief Magistrate, or his Officers, shall have Power to apprehend, with a written Warrant, and bring them to Justice; and it is required and commanded, That the Zemindars, Aumils, or other Officers of the District into which such Offenders shall be so pursued, do assist the Officers of the Chief Magistrate in apprehending the said Offenders; and that it shall be also lawful for the Officers of the Judges of the Two Courts of Justice, to require and compel the Attendance of Witnesses living beyond the said Districts, Reason being first shown, to the Satisfaction of the Judges of the said Court, that the Evidence of the said Witnesses is necessary.

And it is hereby further ordained and proclaimed by the Governor General, That Ally Ibrahim Cawn be appointed, and that he is accordingly, from this Date, appointed the First Chief Magistrate of the Town of Benares.

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

ESTABLISH.

# A P P E N D I X, N° 1.

ESTABLISHMENT allotted for the different Departments under the Chief Magistrate of Benarès. N° 2. C.

Chief Magistrate	—	—	—	—	—	2,500 —
Nayb	—	—	—	—	—	400 —

## D E W A N N Y A D A W L E T.

Daroga	—	—	—	—	—	500 —
3 Munlifs	—	—	—	—	at 250 each	750 —
2 Molavies	—	—	—	—	100	200 —
2 Pundits	—	—	—	—	50	100 —
Peshcar	—	—	—	—	—	50 —
3 Munshys	—	—	—	—	—	70 —
6 Moherers	—	—	—	—	15	90 —
Nazir	—	—	—	—	—	20 —
2 Mirdas	—	—	—	—	10	20 —
50 Peons	—	—	—	—	4	200 —
Keeper of Prison	—	—	—	—	—	15 —
2 Ameens	—	—	—	—	30	60 —
2 Dufferbunds	—	—	—	—	4	8 —
2 Terashees	—	—	—	—	4	8 —
2 Muffolchees	—	—	—	—	3	6 —
2 Harries or Sweepers	—	—	—	—	—	6 —
Paper and Ink	—	—	—	—	—	14 —
						<u>2,117 —</u>
						<u>5,017 —</u>

## F O U S D A R R Y D E P A R T M E N T.

Deroga	—	—	—	—	—	400 —
3 Molavies,	—	—	—	—	200 each	600 —
Peshcar	—	—	—	—	—	50 —
3 Munshys	—	—	—	—	30	90 —
4 Mohurrers	—	—	—	—	15	60 —
Mirdah	—	—	—	—	—	10 —
Nayb Mirdah	—	—	—	—	—	6 —
40 Peons	—	—	—	—	4	160 —
Keeper of the Prison	—	—	—	—	—	15 —
Mullah for administering Oaths	—	—	—	—	—	7 —
Brahmin for D <sup>a</sup> D <sup>a</sup>	—	—	—	—	—	5 —
2 Dufferbunds	—	—	—	—	4	8 —
2 Terashees	—	—	—	—	4	8 —
2 Muffalchees	—	—	—	—	3	6 —
2 Sweepers	—	—	—	—	3	6 —
Paper and Ink	—	—	—	—	—	14 —
						<u>1,445 —</u>
						<u>6,462 —</u>

# A P P E N D I X, N<sup>o</sup>. 1.

## COOTWAILLY DEPARTMENT.

Cutwall	—	—	—	—	150	—
Nayb	—	—	—	—	60	—
Mushriff	—	—	—	—	25	—
Wakcel	—	—	—	—	20	—
Choky Novees	—	—	—	—	7	—
Akbar Novees	—	—	—	—	7	—
2 Mohurrers for the Prison	—	—	—	5	10	—
Sahveeldar Maulkhaunch	—	—	—	—	10	—
5 Guzzerbauns	—	—	—	10	50	—
4 Hircarrahs	—	—	—	5	20	—
Terafh	—	—	—	—	3	—
Surgeon	—	—	—	—	10	—
6 Sengareahs	—	—	—	2	12	—
2 Nuccarchees	—	—	—	3	6	—
Nuckeeb	—	—	—	—	4	—
2 Beeftries	—	—	—	4	8	—
Jellad	—	—	—	—	2	8
Grave Digger	—	—	—	—	2	8
Tazeana Burdar	—	—	—	—	4	—
Oil	—	—	—	—	5	—
Paper and Ink	—	—	—	—	2	8
200 Peons and Watchmen	—	—	—	4	800	—
2 Jemmadars of Peons	—	—	—	10	20	—
5 Duffadars	—	—	—	7	35	—
Vakeel at Calcutta, with Munfys, &c.	—	—	—	—	300	—
					<u>1,573</u>	<u>8</u>
					Occasional Charges	—
						<u>8,035</u>
						<u>100</u>
					Benares Siccas	—
						<u>8,135</u>
						<u>8</u>

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

N<sup>o</sup> 3. A.

Edward Wheler, Esquire, &c. &c. &c. and Council, Fort William.

Gentlemen,

In a short Letter, dated the 5th of this Month, I informed you, that I had on that Day concluded the Settlement of this Zemindarry, for the fixt and perpetual yearly Jumma of Forty Lacks of Rupees, with a Deduction of Rupees 6,66,666. 10. 10. being the Amount of Two Months Collections, estimated in equal Divisions, for the current Year. I have now the Honour to send you the following Papers, which comprehend all the Accounts and Deeds appertaining to this Transaction.

- N<sup>o</sup> 1. Abstract Account of the Annual Jumma or Rent Roll of the Zemindarry of Raja Cheyt Sing, according to the Pottahs for the last Year 1188, including the Jagheers allowed to the Farmers; delivered to me by the Resident.
2. A particular Account of the Revenues of Benares, &c. for the Year 1184, delivered to me by the Raja through his Naib.
3. Abstract Account of Ditto for Ditto—Ditto.
4. An Account Particulars of the Revenue of Benares, &c. for the Year 1188, by Ditto.
5. Abstract Account of Ditto for Ditto, by Ditto.
6. Account of the Revenues of Ghazipore, by a Person formerly in Office at that Place.
7. Form of the general Settlement concluded with Raja Mehipnarain.
- 7<sup>a</sup>. Abstract of Allowances paid for the Support of distressed Families and Men of Piety and Learning, and Copy of my Resolution on this Subject.
- 7<sup>b</sup>. Paper relative to a Grant of certain Villages granted to the Fackeers of the Macbarrah of Shaw Cassun Sulimany and Shaw Waffel, at Chunar.
8. Translation of the Pottah granted to Raja Mehipnarain, conformable to N<sup>o</sup> 7.
9. Copy of the Cabooleat, conformable to the above, executed by Raja Mehipnarain.

10. Kiftbundee



## A P P E N D I X, N<sup>o</sup> I.

10. Kistbundee for the current Year 1189.
11. Ditto for the Year 1190, and for ever.
12. Agreement of Raja Mehipnarain, for Payment of the Arrears of the Year 1188, by the actual Collections.
13. Paper of Requests presented to the Governor General by Raja Mehipnarain, with the Governor General's Answers annexed.

I shall now proceed to the Explanation of the preceding Accounts :

You will obviously perceive, that the Six first Numbers served as the Materials on which the Settlement was formed. The first is an Estimate of the Collections received by Raja Cheyt Sing, and was delivered to me by the Resident. It corresponds in its total Amount with my Recollection of a similar Account, which was formerly in my Possession, and sufficiently, with the Account, N<sup>o</sup> 6. for the Presumption of its Authenticity. As it was the best Account that I was able to obtain, and the Accounts delivered by the Nays were confessedly made up of imperfect Materials ; all the Accounts having been either carried away by Cheyt Sing, or destroyed, and all the principal Officers of the Revenue, who could give any Information on the Subject, having accompanied him in his Flight ; I made this the Ground for forming the new Settlement.

Although I am convinced that with proper Management the Zemindarry might yield an Amount considerably exceeding that which I have taken as the Estimate of its Value ; yet I must express my Apprehension, that unless the Naib can find Means to avail himself of better official Assistance than he at present possesses, his real Profits will fall below their allowed Amount ; and on that Account I have encouraged him to hope, that if he shall prove himself diligent in his Office, and punctual in the Discharge of his Kists to the Company, he may hereafter obtain, from the Indulgence of the Board, some Remission from the stipulated Jumma, whenever the actual Demands of the Company shall be lessened, and the State of their Treasury will admit of it ; and this I shall recommend as an Act of Generosity becoming their former Relation to this Province, and equally warranted by the Principles of good Policy : For there are certain Lines, beyond which the Exaction of a Public Revenue will not only defeat its own Purpose, but operate as effectually to a Reduction as an intentional Act of Bounty could do. But it is not my Wish to engage the present Attention of the Board in a Discussion upon this Subject ; my Desire being only to premise what I may hereafter find necessary to introduce to their further Consideration, so that any future Proposition may not appear to rise wholly from the instant Occasion of it.

I now proceed to the Explanation of the Particulars of the Settlement, as contained in the Account N<sup>o</sup> 7. The first Deduction made from the gross estimated Jumma, of Rupees 53,06,002. 12. is the Sum of Rupees 61,496. granted in Jagheers and other Alienations. The First is a Jagheer granted to Beneram Pundit, of the yearly Amount of Rupees 25,000. I have already acquainted the Board with the faithful Services of this Man and his Family, during the late Troubles, which I can take upon me to assure the Board, whatever was our Opinion of them at the Time, and however repugnant it may be to our national Character to regard any Situation of Affairs with the Eye of Despondency, were considered universally by all but ourselves, equally by Friend and by Foe, as utterly desperate. To the Merits of Beneram Pundit and his Brother on this Occasion, I must add a long Series of Attachment and effectual Service, from the Year 1773 to the present Time. Tho' the immediate Servants and confidential Ministers of a foreign State, to the constitutional Members of which they have always professed an almost enthusiastic Devotion, they have zealously adopted all my Views for the Promotion of a Connection between their Government and ours. For this Purpose, Beneram Pundit, at my Requisition, made One Journey to Naugpore, and attended Colonel Leslie and Colonel Goddard in the first Operations of their Detachments ; another of the Brothers still attends General Goddard in the same Capacity, and has been of great Use, by his Letters, in refuting the false Representations which were made from Poonah to the Government of Berar, of the Events of the War. Beneram Pundit proceeded to Naugpore, and, chiefly at my Requisition, returned with a Constitution much impaired by the customary Effects of the malignant Climate of the Route lying between Calcutta and Naugpore. To his Influence I entirely ascribe the generous Conduct of that Government to ours in many signal Instances, which stand recorded in our Consultations, and will be universally acknowledged as such, when Time shall have effaced the Prejudices with which they have been, and perhaps still are, represented by some ; and to him I owe the Influence which I myself possessed with the late Dewan Dewargur Pundit, and its Effects, while he was living. In the same Spirit of common Attachment, Bissumber Pundit, the younger Brother, went, instructed by me, to Chimnaje Baboo, the Commander of the Army employed last Year in the Province of Orissa, and assisted Mr. Anderson in his Negotiations. In all these Instances I have considered and treated them equally as the Friends of our Government, and the faithful Servants of their own ; and wherever I have been, one or both have been my constant Attendants.

If these Services shall be admitted as meritorious, although they should be ascribed to Motives of personal Respect to myself, still let it be considered, that it was in my Character of the first and executive Member of our State that I received such Instances of it, or could have the Means of inspiring it ; and that I doubt whether a national Attachment, in an alien Breast, can either grow or subsist on any other Principle.

For all these united Reasons, I have thought it incumbent upon me to recompense the Merits of this Family, by the seasonable Grant of a public Income, derived from the Settlement of the Province in which

## A P P E N D I X, N° 1.

which they relided, and in the Recovery of which to our Authority they have made to themselves so near an Interest.

The Board have been pleased to repose so generous a Confidence in me, that I persuade myself that I shall not need their Excuse for having determined this Act by my own Authority. It was necessary to include it in the Settlement, as it would have been the Source of much Embarrassment, and given Rise to unreasonable Claims, had it been ordered after the Settlement had been concluded. I might indeed have applied to the Board, and received their Answer in sufficient Time for the Conclusion of the Settlement, had I known that the latter would have been so long delayed; but it had been from the Beginning my Intention to form it immediately on my Return to Benares, and I was only prevented from finishing it sooner by the Delays and Procrastinations of others, which I could not conquer.

Upon this Subject I have only to add, that the Bounty of our Government has been rarely exercised on such Occasions; that no Occasions ever did more justly demand the Exertion of that Principle; and that it is one of the Duties of Government, as it is one of its best Instruments, to exercise it for the Reward of past, and for the Encouragement of future Deserts.

The next Article will require little Explanation, and no Apology. Bundoo Cawn, whose Name is affixed to a Jagheer of 2,000 Rupees annual Rent, is an Inhabitant of the Town of Chunar. He attended Captain Blair in the unfortunate Attempt on Ramnagur, and in the Battle fought at Pateeta, and was of much Service to that Officer on both Occasions, by his Knowledge of the Ground, and by a natural good Understanding, which enabled him to apply that Knowledge to the Incidents before him. This Man suggested the Expedition, which was afterwards formed, to take Possession of the Passes lying behind Lutteefpore, by an unknown and secret Route, and was himself the Guide of the Detachment. Although his former Services, and that which he offered upon the Occasion, were gratuitous; yet as the Success of the Enterprize appeared to me, from his Description of it, likely to prove the Crisis of the War, I thought it adviseable to secure his Fidelity, and animate his Exertions, by such Instruments as were likely to operate with the greatest Power on a Man in his Rank and Situation in Life: I promised him a Jagheer in any Part of the Company's Dominion of which he should make Choice, to the Amount of One Thousand Rupees clear yearly Rent, if the Enterprize succeeded. The Event proved the Justice of his Advice and the Truth of his Representations, and his Conduct in the Course of it obtained the most favourable Testimony of Major Crabb, the Officer who commanded the Party. On his Return to Chunar, I instantly granted him a Perwanna for the Village of Iclalpoore, of which I had allowed him to make Choice, situated in the Pergunna of Pateeta; he himself told me that it yielded a Revenue exceeding 1,500 Rupees, and, to prevent future Disputes if it were more, I have inserted it at the round Sum of Two Thousand.

Jaggernaut Sing, late Commandant in the 3d Regiment of Sepoys, having been strongly recommended to me by Colonels Muir, Auchmuty, and other Officers of Rank, whose Recommendation at this Time had particular Weight with me, for a Provision in his declining Years, after having passed Thirty of his Life in faithful and meritorious Service; I procured for him a Jagheer in this Zemindarry to the yearly Value of 1,200 Rupees. I am persuaded that the Board will admit the Expediency, as well as the Justice and Humanity, of making a more comfortable Provision than our ordinary invalid Establishment allows, for such native Soldiers as have merited the particular Attention of their Superiors; and I flatter myself that the present Instance, as well as the Principle on which it is founded, will meet with their Approval.

The last Article will be explained in the separate Paper, N° 7. A. It is a simple Act of Justice; and I was pleased that our Government should have the Credit of passing it. On the same Principle I issued a Sunnud for the Restoration of certain Villages, which are a Part of the original Endowment of Two Durghas, in the Precincts of Chunar. The Particulars of this Claim are set forth in the accompanying Paper, N° 7. B. These form no Part of the Diminution of the Revenues.

With respect to the other Deductions, they stand exactly as they were stated by the Naib himself, except the last Article, which I myself inserted merely for Adjustment, that it might make the remaining Sum of the net Jummaetar 40 Lacks; at which Amount I had predetermined to fix it.

The Accounts of the Settlement, N° 8, 9, 10, and 11, require no Explanation. The Deduction allowed for the present Year from the first Jumma, for Devastations, is accounted for in the Term itself. In the unequal Sum of the Kistbundee, I was compelled to yield to the pertinacious Instances of the Family. I should have been better pleased that so large a Sum had not been thrown upon the last Month of the Year; but this Advantage may and ought to be derived from it, that as it has enabled them to make their Payments with greater Facility, it will leave them without Excuse if they fail in any Part of them.

The Agreement, N° 12, passed against my Inclination, as well as my Advice. A substantial Revenue having been obtained to the Company, I wished to pay more Regard to their Credit than to the Prosecution of any immediate Interests which were not of essential Importance; I knew that an Enquiry might serve for an Instrument of Gratification of private Influence, and wished to prevent the Temptation; having already allowed the Sum of Rupees 6,66,666. 10. 10. as a Deduction from the First Year's Jumma, I wished to bring the Raja to agree to Payment of the Arrears due from his Predecessors for the last Year, amounting to the Sum of Rupees 4,63,006. 5. 8. in lieu of the Agreement since made; but this he would not consent to. What he is to pay upon this Account therefore remains open for future Enquiry.

## A P P E N D I X, N° 1.

The Paper of Requests, N° 13, as it preceded the Settlement, ought regularly to have been inserted before it, but as the Settlement itself was not affected by it, it may stand in its present Place.

Respecting the First Request, I had very early apprized the Raja, through his Naib, that I should not allow him the Exercise of any Privilege or Authority, on which an Opinion of Independency could be founded: That the Mint, the Cutwally, or Police of the Town of Benares, and the Administration of Justice to its Inhabitants; the Power of levying Forces, and maintaining Fortresses; were commonly understood as Kinds of Royalties or Appurtenances of the Sovereign State; which therefore could not be allowed to him, consistently with his Relation to the Company, nor with the Expectations which they would naturally form on the Experience of the past Troubles, in the Agreement which I might make for the future Administration of this Province.

I have directed him to deliver over Charge of the Mint to the Resident; whom I have also ordered to receive it, and to conduct the Business of it until he shall have your final Orders respecting it; to ascertain the Amount of the Annual Revenue paid from it to Raja Cheyt Sing during the last Five Years, that the Average thereof may be carried to the Credit of the present Rajah in the Payment of his Revenue to Government; to erect proper Offices for the Services of the Mint, which, to my great Surprise, I find have been performed to this Time in the private House of the Daroga; and to form and report to me a proper Establishment for the Mint on the most frugal Valuation.

I beg Leave to recommend the actual Resident, as well qualified to conduct this Business, and to request that you will be pleased to continue him in the Charge of it.

I have already advised you very fully of the Appointments which I have vested in the Person of Ally Ibrahim Cawn, respecting the Police and Administration of Justice in the Town of Benares; the Insertion of the other Articles comprized in this Request arose from my having directed them to be abolished, because they appeared to me to be discreditable and impolitic.—The following is a List of the Particulars.

1. Nekausf.                      Duties on the State of Horses;—an oppressive Tax, and considerable in its Amount. It was not my Intention to make this an express Prohibition; but having marked it, with other Articles which I thought improper, in the List of Revenues collected by the Aumeen of Benares, it was considered as an express Prohibition, and I chose to let it stand with that Construction.
2. Taxes levied on Strangers, consisting of the following Heads:
  - 1st. Dufstore Perdassy, or Duties levied on Pilgrims.
  - 2d. Dutaulie Perdassee, or Sums paid by the Brokers to buy and sell for the Pilgrims.
3. Falashee.                      Duties taken on the Examination of Persons travelling from Benares.
4. Hummar Connā.              Revenue paid by the Keepers of Gaming Houses.
5. Dufstore upon Rings.        A Revenue paid by the Sellers of the Rings usually bought by Pilgrims.

The 2d, 3d, and 5th Articles have been often represented to me as grievous Impositions, no less in their Amount, than in the Mode of levying them, and a great Discouragement of Strangers, whom the Spirit of Devotion might induce to come to Benares. The Abolition, in itself a popular Act, and extending its Influence to every Part of India, is likely to repay the Loss arising from it, by the Inducement which it will afford to greater Numbers to resort to Benares, in the Proportion of the Immunity which it presents to them.

2d Request. The Zemindars to whom this Article alludes are as follow:

Buggut Sing,	Zemindar of Chowfa.
Eidel Sing,	——— of Agoree.
Govind Gut,	——— of Kunteer.
Bikram Majut,	——— of sundry Villages in Zemmar.
Ally Azim Cawn,	——— of Ghazipore.
Dubjeet Sing,	——— of Bidzigur.

As these Persons shewed a Zeal for the Service of our Government, and a Desire of being useful to us during the late Troubles, I have thought it proper that their Conduct should not pass without the Retribution due to it; and for that Purpose have directed, that they be restored to the Possession of the Lands to which they have hereditary Claims. I shall also give Orders to the Resident to pay them

## A P P E N D I X, N<sup>o</sup> 1.

them annually, whilst they continue out of the Management of their respective Districts, an Allowance proportionate to the Jumma of each, as soon as that can be ascertained.

The remaining Requests require no Explanation or Comment.

I will not engage the Time of the Board longer than to express my Hope, that the Explanations which I have given of my Proceedings in forming the Settlement, will be satisfactory. The Process of the Business I left to Mr. Anderson, to whom I am much indebted for the Pains and Diligence with which he assisted me in bringing it to a Conclusion. Much remained to be done in Detail at the Time of his Departure on another Service, which of course fell upon my Hands, with other Business. To this Cause I must beg the Board to attribute my Delay in making the Report of my Proceedings, and any Deficiencies that may appear in it.

Chunargur,  
21st November 1781.

I have the Honour to be, with the greatest Esteem,  
Gentlemen,

Your most obedient  
humble Servant,  
(Signed) Warren Hastings.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board,

A B S T R A C T

N<sup>o</sup> 3. B. ABSTRACT ACCOUNT of the Annual Jumma or Rent Roll of the Zemindary of Raja Cheyt Sing, and according to the Pottahs of the Farmers, for the Fuffullee Year 1188, including the Jagheers allowed to the Farmers.

NAMES of the PERGUNNAHS.		RENTERS NAMES.		Annual Gross Jumma.	Annual Jumma of Jagheers.	Net Annual Jumma paid into the Raja's Treasury.
SIRKAR GAZIPOOR PERGUNNAHS.						
Pergunnah Cawnpoor	—	Offan Sing	—	18,000	—	18,000
D <sup>o</sup> Sidepoor and Bittree	—	Suddah Nund	—	73,000	50,000	23,000
D <sup>o</sup> Byrcabad	—	Jagger Deo Sing	—	30,000	12,000	18,000
D <sup>o</sup> Seidabad	—	Omrow Sing Jokrie	—	60,000	10,000	50,000
D <sup>o</sup> Kumah	—	Aggaminde	—	58,000	8,000	50,000
Havillee Gazipoor	—	—	—	1,01,000	11,000	90,000
Town of Gazipoor	—	Jagger Deo Sing	—	50,000	—	50,000
Jehoorabad	—	Jakrow Omrow Sing	—	1,30,000	15,000	1,15,000
Curra Dimma	—	Monear Sing	—	50,000	—	50,000
Mahommedabad	—	—	—	1,25,000	15,100	1,09,900
Bulleiah	—	Meer Sheriff Ally	—	—	—	—
Khareed	—	—	—	4,90,000	40,000	4,50,000
Pachoter, &c.	—	—	—	—	—	—
Chowfah	—	Boot Sing Jokrie	—	1,15,000	—	1,15,000
Zemineak	—	Boot Sing Jokrie	—	2,00,000	15,000	1,85,000
Nugrah Zindary	—	—	—	25,000	—	25,000
Total Amount Sirkar Gazipoor, R'				15,25,000	1,76,100	13,48,900

A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 3. B.

A P P E N D I X, N° I.

NAMES of the PERGUNNAHS.	RENTERS NAMES.	Annual Grosse Jumma.	Annual Jumma of Jagheers.	Net Annual Jumma paid into the Raja's Treasury.
<p>S I R C A R C H U N A R.</p> <p>Pergunnah Baggoat — — — — — Havillee — — — — — Narrowe — — — — — Pattecta — — — — — Mowry — — — — — Mowarry — — — — — Bovily — — — — — Kerah — — — — — Mugivar, an Half Division — — — — — Doos — — — — — Ralloopoor and — — — — — Ramnagur Town — — — — — Luttrifpoor — — — — — Satteefghur — — — — — Burhur Beechagur — — — — — Matatch — — — — — Burrah — — — — —</p>	<p>Rangeivan Sing — — — — —  Baboo Moncar Sing — — — — — In Aummannee to the Raja — — — — — In Aummannee to the Raja — — — — — — — — — — — — — — — Sujan Sing — — — — — Durbecchy Sing — — — — — Bogut — — — — —  Total Sirkar Chunar Rup'</p>	<p>3,00,000 — — — — —  80,000 — — — — — 90,000 — — — — — 20,000 — — — — — 36,000 — — — — — 75,000 — — — — — 22,000 — — — — — 25,000 — — — — — 80,000 — — — — — 50,000 — — — — — 45,000 — — — — — 8,23,000 — — — — —</p>	<p>30,000 — — — — —  — 25,000 — — — — — 10,000 — — — — — 65,000 — — — — —</p>	<p>2,700,000 — — — — —  80,000 — — — — — 90,000 — — — — — 20,000 — — — — — 36,000 — — — — — 75,000 — — — — — 22,000 — — — — — 25,000 — — — — — 80,000 — — — — — 25,000 — — — — — 35,000 — — — — — 7,58,000 — — — — —</p>



# A P P E N D I X, N<sup>o</sup> 1.

NAMES of the PERGUNNAHS.	RENTERS NAMES.	Annual Gross Jumma.	Annual Jumma of Jagheers.	Net Annual Jumma paid into the Rajah's Treasury.
SIRKAR BENARES.				
Aumeeny	—	—	—	—
Seopoor	—	—	—	—
Kuttechur	—	—	—	—
Narainpoor	—	—	—	—
Ogara	—	—	—	—
Rampour	—	—	—	—
Chendipour	—	—	—	—
Kutewar	—	—	—	—
Omerow	—	—	—	—
Moonderry	—	—	—	—
Erafoo	—	—	—	—
Lbtah	—	—	—	—
Chittapoor	—	—	—	—
Tickree	—	—	—	—
Seeck	—	—	—	—
Kuffewar	—	—	—	—
Bailey	—	—	—	—
Mudjwah and Kerona	—	—	—	—
Apaud and Aughtongwa	—	—	—	—
Town Seepour	—	—	—	—
Seckney	—	—	—	—
Kalbally Beg	—	—	—	—
Ditto	—	—	—	—
Villages	—	—	—	—
Sunker Rutten	—	—	—	—
Perbaab Rooder	—	—	—	—
In Aummanee to the Raja	—	—	—	—
Omrow Sing	—	—	—	—
Ramjeewan Sing	—	—	—	—
Ditto	—	—	—	—
Beza Cooty Khawn	—	—	—	—
Daljeet Sing	—	—	—	—
Total Sirkar Benares	—	—	—	—
R.	—	—	—	—
8,99,000	—	—	—	—
8,74,000	—	—	—	—

# A P P E N D I X, N. 1.

NAMES of the PERGUNNAHS.		RENTERS NAMES.		Annual Gross Jumma.	Annual Jumma of Jagheers.	Net Annual Jumma paid into the Raja's Treasury.
SIRKAR JOWNPOOR.						
Kowl	—	Adjeeb Sing	—	88,000	—	88,000
Kherawkut	—	Moncar Sing	—	—	—	—
Chanoah	—	Kalbally Beg	—	53,000	—	—
Tunwagur	—	A Zunnindah	—	—	5,000	—
Kals Jownpoor	—	Saheb Khawn	—	—	—	—
Kubber Deepoor	—	The Rajah's Brother-in-Law	—	3,25,000	—	—
Monghur	—	Daljeet Sing	—	30,000	—	—
Gurwar	—	Sujan Sing	—	95,000	—	—
Gafloah	—	In Aummannee to the Rajah	—	1,00,000	—	—
Khupperhah	—	Deiron Sing	—	72,000	—	—
A Talook of	—	Moote Lolls	—	12,000	—	—
Town Jownpoor	—	Fyzoolah Beg	—	5,000	—	—
Buddowy	—	{ Ram Bux, Sujan Sing, Duljeet Sing, Tau- mand Sing	—	—	—	—
Mutriakhoo	—	Sundry People	—	4,00,000	—	—
				4,75,000	—	—
		Total Sirkar Jownpoor	— R.	16,55,000	—	—
				—	1,11,000	—
		Reza Cooley Khawn	—	3,75,000	—	—
				—	—	—
		Lollardoo Sing	—	—	—	—
				25,000	—	—
				—	15,000	—
				—	—	—
				15,25,000	—	—
				8,23,000	—	—
				8,99,000	—	—
				16,55,000	—	—
				3,75,000	—	—
				25,000	—	—
		Grand Total	— Rup.	53,02,000	—	—
				—	3,92,000	—
				—	—	49,09,900

## CANTEET.

Kheiraghur pays the Nabob — R' 1,75,000

## ABSTRACT of the above Account.

Sirkar Gazipoor —  
Sirkar Chunar —  
Sirkar Benares —  
Sirkar Jownpoor —  
Canteet —  
Kheiragur —

Particular

A true Copy,  
(Signed) E. Hay,  
Sub Secy to the Honourable Board.

N<sup>o</sup> 3.C. Particular ACCOUNT of the Revenues of Benares, &c. in the Fuffullee Year 1184, delivered to the Governor General by Rajah Mehipnarain.

A P P E N D I X, N<sup>o</sup> 1.

	Jumma.	Deduct Charges of Collection in the Amany Mehals.	Charges in the farmed Mehals allowed under the Name of Maafy Mamooly.	Net Jumma.
Bhaghwt, &c.	4,38,764	—	—	4,38,764
Havelly Jownpoor	2,84,968	—	—	2,84,968
Talook Serry Moo, and the Mertra Furreka Villages	30,037	—	1,500	28,537
Villages of the Buxey and Cootwal of Jownpoor	31,556	—	7,750	23,806
Kherakut, containing the Tuppahs of Hurrearpoor Pefaraht	49,998	—	341	49,657
Gurwarah	88,315	—	—	88,315
Giffwah	75,186	3,600	—	71,586
Murriakhoo	3,30,105	—	11,000	3,17,105
Bhuddoece & Division	1,58,341	—	5,000	1,53,341
Amanaut Revenue of the Town of Benares	1,62,406	—	—	1,62,406
Mehal Chuna Behree	21,600	—	—	21,600
Mehal Byram Gunge	11,028	—	—	11,028
Chowdrahy Dereeba Paan	301	—	—	301
Delally Tela	853	—	—	853
Cootwally Benares	4,991	—	—	4,991
Cutthere Pergunnah	91,737	—	4,000	87,737
Talook of Shewpore	58,493	—	4,000	54,493
Narainpore	12,031	—	—	12,031
Pundra Booly, &c.	94,221	—	—	94,221
Cuffwar Pergunnah	1,13,100	—	—	1,13,100
Pergunnah Curiat and Borapore	72,882	6,967	2,303	1,03,830
Sattelghur	2,256	—	—	2,256
Lohta	27,946	—	—	27,946
Chyrapore	1,101	—	4,000	1,001
Pergunnah Burrah	32,582	—	100	32,582

A P P E N D I X, N<sup>o</sup> I.

Brought over	Jumma of 1184.	Deduct Charges of Collections for the Amany Mehals.	Charges in the farmed Mehals allowed under the Name of Maafy Mamooly.	Net Revenue.
Bealfee — — — — —	42,106 — —	— —	2,000 — —	40,106 — —
Cotah Affelah — — — — —	88,221 — —	— —	2,000 — —	86,221 — —
Doof — — — — —	31,734 5 5	— —	1,000 — —	30,734 5 5
Moongerah — — — — —	70,218 2 2	— —	— —	70,218 2 2
Juffoorce — — — — —	6,758 6 —	— —	— —	6,758 6 —
Mudhoopore — — — — —	10,594 11 —	— —	— —	10,594 11 —
Ahorow — — — — —	18,547 4 —	— —	— —	18,547 4 —
Budhur Bejeyghur and Agoree — — — — —	76,311 1 —	— —	— —	76,311 1 —
Sayer Mehal of Shewpore — — — — —	47,118 — —	20,000 — —	— —	27,118 — —
Pergunnah Raloopore — — — — —	50,103 10 $\frac{1}{2}$	— —	2,000 — —	48,103 10 $\frac{1}{2}$
Sayer of Ramnagur — — — — —	30,168 — —	4,000 — —	2,927 1 —	23,141 1 —
Pergunnah Cuntet Bejeypore — — — — —	3,53,161 — —	— —	1,095 — —	3,52,066 — —
Kheyragher — — — — —	1,81,046 14 —	— —	— —	1,81,046 14 —
Mint, &c. — — — — —	18,767 15 $\frac{1}{2}$	2,552 4 $\frac{1}{2}$	— —	16,215 11 $\frac{1}{2}$
Mahayetch — — — — —	— — — — —	— —	— —	— —
Dehat Muta Furracat — — — — —	21,592 7 $\frac{1}{2}$	— —	21 14 $\frac{1}{2}$	21,570 8 $\frac{1}{2}$
Dehat Chunar — — — — —	6,197 9 $\frac{1}{2}$	— —	— —	6,197 9 $\frac{1}{2}$
Mahal Soora — — — — —	2,001 — —	— —	— —	2,001 — —
Mahal Opium — — — — —	500 — —	— —	— —	500 — —
Sirkar Ghazepore — — — — —	14,14,831 9 $\frac{1}{2}$	— —	44,000 — —	13,70,831 9 $\frac{1}{2}$
Add Jagheers not included in the above Accounts — — — — —	46,95,174 3 $\frac{1}{2}$	— —	— —	— —
	30,324 7 $\frac{1}{2}$	— —	— —	— —
Deduct Kheiragher, which is included in the above Account, though farmed from the Vizier — — — — —	47,25,498 9 $\frac{1}{2}$	— —	— —	— —
	1,81,046 14 —	— —	— —	— —
	45,44,451 11 $\frac{1}{2}$	— —	— —	— —
	30,324 7 3	— —	— —	— —
Deduct Jagheers . — — — — —	45,14,127 5 $\frac{1}{2}$	37,119 6 $\frac{1}{2}$	1,05,598 8 $\frac{1}{2}$	43,71,409 6 $\frac{1}{2}$

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

**A true Copy.**

(Signed) E. Hay,

**Sub Secretary to the Honourable Board.**

## ABSTRACT

# A P P E N D I X, N° 1.

ABSTRACT ACCOUNT of the Revenues of Benares, &c. delivered to the Governor General by Rajah Mehipnarain; being formed from the Accounts of the Fustullee Year 1184. N° 3. D.

Jumma, as per Account	—	—	—	—	47,25,498 9 ½
Jumma, not included in the Accounts; viz.					
The Jagheers of ½ Bhuddorfe	—	—	1,58,341	—	—
Pergunnah Mahayetch, the Jagheer of Durbejei Sing	—	—	60,000	—	—
Seydpore, the Jagheer of Offan Sing, Amount Jagheer	—	—	50,000	—	—
Amount Maaffee, or Remission in the Revenue	—	—	4,000	—	—
			54,000	—	—
					2,72,341 — —
Total Jumma of the Districts held by Cheyt Sing	—	—	—	—	49,97,839 9 ½
Deduct the Revenue paid to the Vizier, for the Pergunnah of Kheiraghur	—	—	—	—	1,81,046 14 —
Total Jumma of the Zemindary of Benares, &c.	—	—	—	—	48,16,792 11 ½
Deduct					
Amount of the Jagheers as above	—	—	2,72,341	—	—
Charges incurred in collecting the Revenue of the Aummannee Mehals, also Mauffee, or established Indulgences usually granted to Farmers and Amils at the Close of the Year:					
Charges of the Aummannee Mehals	37,119	6 ½			
Mauffee Maamooly	1,05,598	8 ½			
			1,42,717	15 —	
					4,15,058 15 —
					44,01,733 12 —

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the Honourable Board.





## A P P E N D I X, N° 1.

	Rs.	A.	P.	Total	Rs.	A.	P.	Total
Pergunnah Bealfee	—	—	—	—	—	—	—	—
Colah Affelch	—	—	—	—	—	—	—	—
Dooos	—	—	—	—	—	—	—	—
Moongerah	—	—	—	—	—	—	—	—
Juffoorce	—	—	—	—	—	—	—	—
Mudhoopore	—	—	—	—	—	—	—	—
Ahrorah	—	—	—	—	—	—	—	—
Budhur, Bejeyghur, and Agoree	—	—	—	—	—	—	—	—
Sayer of Shewpore	—	—	—	—	—	—	—	—
Pergunnah Raloopore	—	—	—	—	—	—	—	—
Sayer of Ramnagur	—	—	—	—	—	—	—	—
Pergunnah Kuntet	—	—	—	—	—	—	—	—
Kheiraghur	—	—	—	—	—	—	—	—
Mahayelch	—	—	—	—	—	—	—	—
Dehar Muta Furracut	—	—	—	—	—	—	—	—
Dehat Chunar	—	—	—	—	—	—	—	—
Mehal Shoorah	—	—	—	—	—	—	—	—
Mehal Ophium	—	—	—	—	—	—	—	—
Tankfal, or Mint	—	—	—	—	—	—	—	—
Sirkar Ghazipoore	—	—	—	—	—	—	—	—
Add Jagheers, not included in the above Account	—	—	—	—	—	—	—	—
Deduct the Revenue of Kheiragar, paid to the Vizier	—	—	—	—	—	—	—	—
Deduct Jagheers	—	—	—	—	—	—	—	—
Benares Siccas	—	—	—	—	—	—	—	—

**A true Copy.**  
**(Signed)**

**E. Hay,**  
Sub Secretary to the Honourable Board.

## ABSTRACT

# A P P E N D I X, N° 1.

N° 3. F. ABSTRACT ACCOUNT of the Revenue of Benares, &c. for the Fuffullee Year 1188, delivered to the Governor General by Rajah Mehipnarain.

Jumma or Revenue inferted in the Account, N° 4.	—	—	46,33,661 12 ½
Jumma of the Jagheers, not included in the Accounts of Revenue; viz.			
The Jagheers of ½ the Pergunnah of Bhuddovee	—	1,58,341 — —	
Mahayetch, the Jagheer of Derbejei Sing	—	60,000 — —	
Seydpore, the Jagheer of Offan Sing	—	50,000 — —	
Maafter, or Remiffion to D°	—	4,000 — —	
		54,000 — —	
			2,72,341 — —
Deduct the Revenue paid to the Vizier, for the Diftrict of Kheiragur	—	—	49,06,002 12 ½
			1,98,646 14 —
			47,07,955 14 —
Deductions from the Revenue Jagheers as above	—	—	2,72,341 — —
			44,35,614 14 ½
C H A R G E S.			
Charges of collecting the Revenues of the Ammannee Mehals	41,119	6 ½	
Maafter Manookee, or eftablifhed Remiffions granted to Farmers and Amils at the Clofe of the Year	—	1,02,598 8 ½	
			1,43,717 15 —
Benares Siccas	—	—	42,91,896 15 ½

A true Copy.

(Signed)

E. Hay,  
Sub Secretary to the Honourable Board.

ACCOUNT

ACCOUNT of the REVENUES of GAZIPORE.

N<sup>o</sup> 3. G.

Meer Sheef Ally's Districts, on a Mourrery Jumma.

Bulleah							
Khareed							
Goffah							
Sekunderpore							
Luckniffer							
Patchooter							
	—	—	—	—	—	—	5,27,000 — —

Munear Sing's Districts, held on a Mourrery Jumma:

Mahomedabad							
Curreat Pullee							
	—	—	—	—	—	—	1,15,000 — —

Takray Bukht Sing's Districts, on a Mourrery Jumma.

Gundeah							
Dahma							
Zemmaneah							
Chowfah							
Curundah							
	—	—	—	—	—	—	2,77,000 — —

Baboo Juggur Deo Sing's Districts, held on a Mourrery Jumma.

Zahoorabad							
Bhadawn							
Behader Gunge							
Shaddee Abad							
	—	—	—	—	—	—	1,50,000 — —

Baboo Peem Sing's District, held on a Mourrery Jumma.

Chandpore							
	—	—	—	—	—	—	18,000 — —

Buckthey Suddanimb's District, held on a Mourrery Jumma.

Behry Abad							
	—	—	—	—	—	—	15,000 — —

Baboo Offan Sing's Districts, held on a Mourrery Jumma.

Seydpore							
Bettoree							
	—	—	—	—	—	—	70,000 — —

Talook of Boofgan and Burragong							10,000 — —
Acka Mehdee's Mehals, Havelly, Ghazipore, on a							
Mourrery Jumma	—	—		92,000 — —			
All the Sayer Revenues	—	—		55,000 — —			

1,47,000 — —  
 14,14,000 — —

A true Copy.  
 (Signed)

E. Hay,  
 Sub Secretary to the  
 Honourable Board.

# A P P E N D I X, N<sup>o</sup> 1.

3. H.

## C O P Y of the General Settlement of the Zemindary of Benares.

Jumma, per Account	—	—	—	—	—	49,06,002 12 —
Add Profits enjoyed by the Baboos, which may now be resumed, calculated at	—	—	—	—	—	4,00,000 — —
Deduct Articles of Revenue now alienated :						
Benyram's Jagheer	—	—	—	25,000	— —	
Bundoo Cawn's D <sup>o</sup>	—	—	—	2,000	— —	
Jaggunaut's D <sup>o</sup>	—	—	—	1,200	— —	
Half of the Maafh and Charity confirmed by Mr. Marriot, afterwards resumed, and now restored				33,296	— —	
						61,496 — —
						R <sup>o</sup> 52,44,506 12 —
Deduct also Charges of Collection, as per Account ; viz.						
In the Amanny Mehals	—	—	—	41,119	6 ½	
In the farmed Mehals allowed to the Farmers	—	—	—	1,02,598	8 ½	
						1,43,717 15 —
Deduct Revenue paid for Kheiragur to the Vizier	—	—	—			51,00,788 13 —
						1,98,046 14 —
						49,02,741 15 —
Deduct Jagheers and Allowances for the Support of the Rajah, his Family, and Dependants ; viz.						
Jagheer of ½ Buddower belonging to the Raja	—	—	—	1,58,341	— —	
Ditto Mahayteh Durbeyey Sing				60,000	— —	
Ditto Seydpore Offan Sing				54,000	— —	
Allowance granted for the Support of the Raja, his Household Expences, Family, Suary, &c.	—	—	—	6,30,400	15 —	
						9,02,741 15 —
						40,00,000 — —

A true Copy.

(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

N<sup>o</sup> 1. ABSTRACT

N° 1. A B S T R A C T of the Allowances paid for the Support of distressed Families, and Men of Piety and Learning, from the Revenues of Benares; formed from an Account which was drawn out by Raja Cheyt Sing at the Desire of Mr. Fowke, and is now in the Possession of the Cawzee; authenticated by Mr. Graham's Signature.

A.

Established Allowances signed by Mr. Marriot, viz.

Maaah, or			
Old and established Allowances, consisting partly of Assignments on the Revenues of Villages, and partly of Monthly Allowances	—	—	58,891 5 —
Rozindars and Poor Men, being Charity Allowances	—	—	32,111 9 ½
			<hr/>
			91,002 14 ½

B.

Jagheers granted by the King, or by the Viziers, Sujah Dowlah and Afoph ul Dowlah, granted after the Time of Mr. Marriot

19,290 — —

C.

Maafee Dehat, or Assignments of Charity in particular Villages, granted by Sujah ul Dowlah and Afoph ul Dowlah, after Mr. Marriot's Time

56,375 10 ½

Rupees 1,66,668 9 —

A.

These Allowances were continued until the Year 1183 Fuffullee, when the Rajah made his Settlement with the Company, after which they were resumed. Some of them might now be struck out, the Persons being dead, or the Purposes for which they were granted having ceased. The Cawzee has engaged to draw out a List of such as may be struck out, or left for Enquiry. Under these Allowances are comprehended 323 Names or Families.

B.

These Grants were after Mr. Marriot's Time. None of the Persons obtained Lands, but the Rajah paid them an Equivalent in Money. Some of the Grants never took place, and many of the Persons are dead.

C.

These are similar to the Articles under B. only that the Jagheers were temporary, and in consideration of Services; whereas the Maafee Dehat were hereditary, and granted to poor People, like the Milk or Ahema of Bahar.

# A P P E N D I X, N° 1.

N° 2. The Cawzee delivers in a List of Persons who are not forthcoming, and in general supposed to be dead, or so provided for as not to require the Allowance, the Abstract of which is as follows :

## Absentees on the List of Allowances signed by Mr. Marriot.

Maash	—	—	—	—	—	—	20,289	8	—
Rozindars	—	—	—	—	—	—	4,116	8	—
							<hr/>		
							24,406	—	—

## Absentees on the List of Allowances granted after the Time of Mr. Marriot.

Maafee Dehat	—	—	—	—	—	—	12,934	3	—
							<hr/>		
							37,340	3	—

Statement shewing the whole Amount of the Allowances, and particularizing the Proportion thereof held in the Names of Persons who are either dead or absent.

## In Mr. Marriot's List.

Maash	—	—	—	—	—	—	58,891	5	—
Dead or absent	—	—	—	—	—	—	20,289	8	—
							<hr/>		
Rozindars	—	—	—	—	—	—	32,111	9	—
Dead or absent	—	—	—	—	—	—	4,120	8	—
							<hr/>		
							27,991	1	—
							<hr/>		
							66,592	14	—

## After Mr. Marriot's Time.

Maafee Dehat	—	—	—	—	—	—	56,375	10	$\frac{1}{2}$
Dead or absent	—	—	—	—	—	—	12,934	3	—
							<hr/>		
Jaghcers	—	—	—	—	—	—	43,441	7	$\frac{1}{2}$
							19,290	—	—
							<hr/>		
							62,731	7	$\frac{1}{2}$
							<hr/>		
							1,29,324	—	—

Resolved, That Copies of the Account be sent to the Rajah, and that he be directed to restore One Half of the several Allowances confirmed by Mr. Marriot, and held by Persons who are still in being and present, being by the above Account R<sup>s</sup> 66,592. 14. One Half whereof is Rupees 33,296. 7. and that he be allowed, on the Death of the Incumbents, to resume their Proportions : That Mr. Markham be authorized to examine any Claims which may hereafter be preferred to a similar Indulgence by the Persons who are supposed to be dead or absent, and who are comprehended under the Article of Account, N° 2. R<sup>s</sup> 24,406, and that he report thereon to the Governor General and Council : That as it does not appear that the Allowances granted after Mr. Marriot's Time were properly bestowed, it is unnecessary to restore these.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the  
Honourable Board.

Former



Former Lands belonging to the Tomb at Chunar.

N° 3. K.

The Village of Begpore.

D° Buggerah.  
D° Bohry.  
D° Bibtee.

The Fackeer represents that all these Villages were resumed in the Time of Munfarum; afterwards the Nabob Seef Dar Jung restored the Two Villages of Behree and Bigpore, valued at 1,000 Rupees per Annum. These are still in Possession of the Fackeers, but they are now subject to a Revenue of 500 R<sup>s</sup> per Annum, which was imposed about 18 Years ago, when Tumkun Khan, the Naib of Sujah ul Dowlah, made a general Resumption of One Half of all the Charity Allowances of Benares. The remaining 500 R<sup>s</sup> was confirmed afterwards by Mr. Marriot, and in Exception to all other Allowances has been continued by the Raja. The Fackeer now requests to have the whole Four Villages restored, or if this cannot be granted, to have the Revenue of 500 R<sup>s</sup> taken off. He does not know the Amount of the Villages of Behry and Begpore.

The Cawzee of Benares being examined, confirms this Representation.

8 October, Sunnud issued to Mahomed Ismael the Khaleefa, granting the Villages of Begpore and Behree to be held free of Revenue, for keeping the Tombs and Mosque at Chunar in proper Repair, and for the Maintenance of the Fackeers.

A true Copy.

(Signed) Ed. Hay,  
Sub Secretary to the  
Honourable Board.

The Pottah granted to Rajah Mehipnarain Bahadre.

Whereas the Sirkar of Benares and Chunar, and the Mahals of the Sirkar of Jownpoor, both Maul and Sayer, and Havelee Mahomedabad Benares, and the Dums of Mulboos Khas, and the Pergunnah Bheddohee, and the Talook of Sunggramow, dependant on the Pergunnah of Chandie and Sukteergur, and the Pergunnah of Kunteer, called Beejeypoor, and the Sirkar of Gauzepoor, and the Pergunnah of Seumderpoor and Khereed, and Shaadeeabad and Tuppe Serincha, with the Maul and Sayer, and Cootwally of Jownpore, and the Mokcarnee and Yettefaub, and Sungwazinee of Benares, both Maul and Sayer, with the Dastoor Dewannee, besides Half of the Jagheer of the Pergunnah Bheddohee, &c. and the Maastie to the Rozeenadars and other Expences of the Hulhoomin hayee, conformably to your Cabboobeak, have been granted to you from the Beginning of the Month Asfin 1189 Fuffelee, answering to the 14th September 1781, at the Agreement of Forty Lacks of Sicca Rupees, struck in the Town of Benares, as a fixed and perpetual Sum, without Alteration, for every Year, and from that Amount the Sum of (6,66,666. 10. 10.) Six Lacks Sixty-six thousand Six hundred and Sixty-six Sicca Rupees Ten Annas and Ten Gandas for this Year, which is 1189 Fuffelee, on account of the Devastations, &c. in the Two Months of Disturbances, having been remitted, the remaining Amount of the Maulwajeb Maulguzarree of the Sirkar, being (33,33,333. 5. 10.) Thirty-three Lacks Thirty-three thousand Three hundred and Thirty-three Rupees Five Annas and Ten Gandas of Benares Sicca Coin, of due Standard and Weight, agreeably to the separate Kistbundee of Cubbooleear, which you have written, and delivered under your own Seal, you will, Month by Month, without Excuse or Delay, and without the Expence of the Sebundee and other Expences, conformably to the Kists mentioned in them, pay duly as the Khezana to the Sirkar; and in the next Year the fixed and perpetual Yearly Amount Jumma of 40 Lacks of Sicca Rupees, which you have agreed to, and the Kistbundee of which also you have delivered under your own Seal into the Dufter of the Sirkar, conformably thereto you will yearly discharge, as the Maulguzzare to the Sirkar. By the Blessing of God from this Agreement in no Instance shall there ever be any Deviation or Failure.

N° 3. L.

# A P P E N D I X, N° 1.

## The BUNDOBUST of the Year 1189 Fuffullee.

			B° S° R°	
Conformably to the Papers	—	49,06,002 12 —		
Increase to the Advantage of the Sirkar	—	4,00,000 — —		
			<u>53,06,002 12 —</u>	
Deduct the Jagheers, &c.				
Jagheer of Beneram Pundit	— —	25,000 — —		
Jagheer of Bundoo Khan	— —	2,000 — —		
Jagheer of Jaghernaut Soubadar	— —	1,200 — —		
Restored to the Rozenadars	— —	33,296 — —		
			<u>61,496 — —</u>	
Deduct the Expences of Mahals Amaunnee, &c.			<u>52,44,506 12 —</u>	
The Expences of Mahals Amaunnee	— —	41,119 6 10		
Maafce Maumoolze	— —	1,02,598 8 10		
			<u>1,43,717 15 —</u>	
Deduct the Mahal of Kéerghur, of which the Maulguzarree is appropriated to the Sirkar of the Nawab Vizier Almalek Bahadre			<u>51,00,788 13 —</u>	
			<u>1,98,046 14 —</u>	
		Balance —	<u>49,02,741 15 —</u>	
Deduct my Jagheer, &c. with those of my Dependants,				
Half the Pergunnah of Bheddhoe	— —	1,58,341 — —		
The Pergunnah of Mahaiche	— —	60,000 — —		
The Pergunnah of Seidpoor	— —	54,000 — —		
My Salary, &c. and those of my Dependants		6,30,400 15 —		
			<u>9,02,741 15 —</u>	
		Balance —	<u>40,00,000 — —</u>	
Deduct the Devastations, &c. of Two Months Disturbances	— —	6,66,666 10 10		
		Balance Benares S° R° —	<u>33,33,333 5 10</u>	
From the Year 1190 Fuffelee a fixed and perpetual Sum, conformably to the former Bundobust	— —	33,33,333 5 10		
Increase taken from the Deductions on account of the Devastations, &c.	— — —	6,66,666 10 10		
		Total Benares S° R° —	<u><u>40,00,000 — —</u></u>	

Dated the 1st of Assin 1189 Fuffelee,  
answering to the 14th September 1781.

A true Copy.  
(Signed)

Ed. Colebrooke,  
Persian Translator.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

CUBBOOLEEAT

CUBBOOLEEAT of Rajah Mehipnarain Bahadre.

N° 3. M.

I Rajah Mehipnarain Bahadre: Whereas the Zemindarry of the Sirkar of Benares and Chunar, and the Mahals of the Sirkar of Jownpoor, both Maul and Sayer, and Havelee Mahomedabad Benares, and the Daums of the Mulboos Khas, and the Pergunna Bheddhoee and the Talook of Sungramow, dependant on the Pergunnah of Chanda and Sukteesghur and Cunteet, called Beejeypore, and the Sirkar of Gauzeepore and the Pergunnah of Seumdeepoor, and Khereed, and Shaadeeabad, and Tuppee Serincha, with the Maul and Sayer and Cootwally of Jownpoor, and the Moheemll and Yetti-laub and Sangwazinee of Benares, and the entire Mahals both Maul and Sayer, with the Duffoor Dewannee, of the Soubah of Illahabad, besides the Mahal of Keiragur, of which the Maulguzzary is appropriated to the Sirkar of the Nawab Vizier Almamaleh Asoph ud Dowlah Bahadre, and the Mahals of the Jagheers held by the Rozeenadars, and the Expences agreeably to the Hufhoaminhayee or Account of Deductions, have been given in Perpetuity to me from the Honourable Company, at the fixed and perpetual Yearly Sum of Forty Lacks of Benares Sicca Rupees, of full Weight and Standard. I have agreed to it of my own free and entire Will, and of that Amount the Sum of (6,66,666. 10. 10.) Six Lacks Sixty-six thousand Six hundred and Sixty-six Rupees Ten Annas and Ten Gandas having been remitted and deducted on Account of the Devastations, &c. in the Two Months of Disturbance for the Year 1189 Fuffellee, I have acknowledged, without Hesitation, the remaining Sum of (33,33,333. 5. 10.) Thirty-three Lacks Thirty-three thousand Three hundred and Thirty-three Rupees Five Annas and Ten Gandas of Benares Sicca Standard, to be due from me as the Maulwajeb of the Sirkar for the said Year, and having written and delivered under my Seal, upon a separate Paper, the Kistbundee of it, I engage and deliver in Writing to this Effect, that I will, agreeably to the Kistbundee, Month by Month, without Excuse or Delay, duly pay the Khizana Aumera of the Sirkar in the Town of Benares, and at the End of the Year I will take a Receipt and Discharge for the Whole; and the Jumma of the next Year 1190 Fuffellee having been settled for the entire Sum of Forty Lacks of Benares Sicca, as a perpetual and fixed Sum for every Year, that also do I include in this Cubbooleeat, and engage that I will, without Excuse or Delay, agreeably to the Kists of the same, discharge, Month by Month, the Khezanna Aumera of the Sirkar; and that I will without Fail pay the Money of the Rozenadars, &c. conformably to the Hufhoaminhayee, and take a Receipt for it; and that, employing myself in the Duties and Affairs of my Zemindarry, I will not neglect or be deficient in any one Point of Diligence and Care, but I will behave with the greatest Attention to the Ryotts and to all People of every Rank; and I will exert my utmost Abilities in the Cultivation and Population of the Country, and the Increase of the Revenues, so that it may improve daily; I will act with such Vigour in expelling Thieves, Night Robbers, Murderers, and all Evil Doers, that not one of them shall remain within my Zemindarry, and that no Crimes and Offences shall be heard of.

I have therefore written and delivered these few Lines in the Nature of a Cubbooleeat, that it may be made use of when necessary.

Dated the 1st Day of Assin 1189 Fuffellee,  
answering to the 14th September 1781.

A true Copy.  
(Signed) Ed. Colebrooke,  
Persian Translator.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 3. N. KISTBUNDY of the Sirkar of Benares and Chunar, and the Mahals of the Sirkar of Jownpoor and Mahomedabad, the Sirkar of Gauzypoor, &c. &c. for the Year 1189 Fufflee.

			Total Benares S <sup>a</sup> R <sup>s</sup>	—	53,06,002 12 —
Deduct the Jagheers, &c.					
Jagheer of Beneram Pundit	—	—	25,000	— —	
Jagheer of Bundoo Khan	—	—	2,000	— —	
Jagheer of Jaghernaut Subadar	—	—	1,200	— —	
Restored to the Rozeenadars	—	—	33,296	— —	
					61,496 — —
			Balance	—	52,44,506 12 —
Deduct the Expences of Mahals Amaunee, &c. &c.					
The Expences of Mahals Amaunee	—	—	41,119	6 10	
Maaffee Mamoollee	—	—	1,02,598	8 10	
					1,43,717 15 —
					51,00,788 13 —
Deduct the Mahal of Kheiragur, of which the Maulguzarree is appropriated to the Sirkar of the Nawab Vizier	—	—	—	—	1,98,046 14 —
					49,02,741 15 —
Deduct my Jagheer and Monthly Salary, with those of my Dependants.					
Half the Pergunnah of Bheddhoee	—	—	1,58,341	— —	
The Pergunnah of Maharchee	—	—	60,000	— —	
The Pergunnah of Seidpoor	—	—	54,000	— —	
The Salaries, &c. &c.	—	—	6,30,400	15 —	
					9,02,741 15 —
			Balance	—	40,00,000 — —
Deduct the Devallations of Two Months Disturbances	—	—	—	—	6,66,666 10 10
			Balance Benares, S <sup>a</sup> Rup <sup>s</sup>	—	33,33,333 5 10

Affin	—	—	—	10,000	— —
Cautie	—	—	—	15,000	— —
Augun	—	—	—	2,78,000	— —
Poos	—	—	—	2,78,000	— —
Maug	—	—	—	2,78,000	— —
Pehangun	—	—	—	2,78,000	— —
Choit	—	—	—	2,78,000	— —
Bylaak	—	—	—	2,78,000	— —
Jcheit	—	—	—	2,78,000	— —
Affar	—	—	—	2,78,000	— —
Sawaun	—	—	—	2,78,000	— —
Bahadun, which is the End of the Year				8,06,333	5 10
				33,33,333	5 10

Dated the 1st of Affin 1189 Fufflee,  
answering to the 14th Sept. 1781.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the Honourable Board.

# A P P E N D I X, N° 1.

KISTBUNDY of the Sirkar of Benares and Chunar, and the Mahals of the Sirkar of Jownpoor and Mahomedabad, and the Sirkar of Gauzeepore, for the Year 1190 Fufflee. N° 3. O.

				B° S° R°
The Jumma, agreeable to the Papers	—	—	49,06,002 12 —	
The Bazyaft or Refumptions taken from the Bauboos	—	—	4,00,000 — —	
				53,06,000 12 —
Deduct the new Jagheers and the Rozeenadars.				
Jagheer of Beneram Pundit	—	—	25,000 — —	
Jagheer of Bundoo Khan	—	—	2,000 — —	
Jagheer of Jagernaut Subadar	—	—	1,200 — —	
Restored to the Rozeenadars	—	—	33,296 — —	
				61,496 — —
Balance				52,44,506 12 —
Deduct the Expences of Mahals Aumannee, &c. &c.				
The Expences of Mahals Ammaunnee	—	—	41,119 6 10	
Maaffee Maumoolce	—	—	1,02,598 8 10	
				1,43,717 15 —
				51,00,788 13 —
Deduct the Mahal of Keeragur, of which the Maulguzarree is appropriated to the Sirkar of the Nawab Vizier				
				1,98,046 14 —
				49,02,741 15 —
Deduct my Jagheer and Monthly Salary, &c. with those of my Dependants.				
Half the Pergunnah of Bheddhoe	—	—	1,58,341 — —	
The Pergunnah of Mahaschie	—	—	60,000 — —	
The Pergunnah of Seidpore	—	—	54,000 — —	
My Salary, and those of my Dependants	—	—	6,30,400 15 —	
				9,02,741 15 —
Balance B° S° R°				40,00,000 — —

Affin	—	—	2,90,000 — —
Cautie	—	—	2,90,000 — —
Augim	—	—	2,90,000 — —
Poofs	—	—	2,90,000 — —
Maug	—	—	2,90,000 — —
Pehaugun	—	—	2,90,000 — —
Choit	—	—	2,90,000 — —
Byfaak	—	—	2,90,000 — —
Jabeit	—	—	2,90,000 — —
Affar	—	—	2,90,000 — —
Sawann	—	—	2,90,000 — —
Bhadun, which is the End of the Year,	—	—	8,10,000 — —
B° S° R°			40,00,000 — —

Dated the 1st of Affin 1189 Fufflee, answering to the 14th September 1781.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

N<sup>o</sup> 3. P.

Agreement of Rajah Mehipnarain Bahadre, for the Payment of the Arrears.

Having been ordered from the Prefence, to collect and pay to the Sirkar whatever Balances remain of Cheyt Sing's Administration, to the End of the Year 1188; I therefore represent, that whatever I can collect of the Balances for the above Year, I will pay to the Sirkar.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

A true Copy.  
(Signed) Ed. Colebrooke,  
Persian Translator.

N<sup>o</sup> 3. Q.

The Requests of Raja Mehipnarain, to which he is hopeful that the Governor General's Signature may be affixed.

First Article.

Of the Mint and Adaalet, &c. agreeably to the following List, whatever Part shall be divided from my Bundobust, I hope that the Receipts of that may be deducted in the Maulguzarree: 1st, The Mint. 2d, The Adaalet. 3d, The Foujedarry. 4th, The Cootwallie of Benares. 5th, The Nekhas. 6th, The Brokerage from Strangers. 7th, The Talaashee. 8th, The Kumarkhana. 9th, The Dultoor upon Rings.

Answer to the First Article.

Of the Mint and Adaalet, &c. agreeably to the above List, whatever may be the Average Receipts for the Five last Years, shall be deducted in the Maulguzarree. But for the Tax upon Strangers, which out of Regard to the Welfare of the People, and the Population of the Country, I have annulled, you shall have no Deduction.

Second Article.

Whatever may be granted from the Prefence to the Zemindars, &c. for their Support, I am hopeful may be deducted in the Maulguzarree.

Answer to the Second Article:

The former Zemindars and Possessors, who received Allowances and Support, and who were in Possession to the End of last Year, and who are not included in the Paper delivered to the Prefence, shall be continued. Besides these, whatever further Allowance for Support may be made from the Prefence to any Zemindar, &c. shall be deducted in the Maulguzarree.

Third Article.

Whatever may be the Expences, on account of the Commissions of English Gentlemen, &c. I am unable to supply them. On this Point I request your Orders.

Answer to the Third Article.

Whatever Article may be commissioned, you shall receive the Price of it; and besides, on the Company's Account, there shall be no Commissions.

Fourth Article.

The Way that the Bundobust of Affairs has been settled is well known to the Prefence. I providing the Maulwajeb of the Sirkar, wherever I may see the Means of making an Encrease of Profit, I will make the Bundobust accordingly. I am hopeful that no one may receive Indulgence from the Prefence.

Answer to the Fourth Article.

Wherever you may see the Means of making an Encrease of Profit, you will make the Bundobust accordingly. No one shall receive Indulgence from the Prefence.

Fifth Article.

I am hopeful that the Troops, which shall be appointed from the Prefence, for the Protection of the Sirkar of Benares, &c. may be stationed agreeable to my Request.

Answer to the Fifth Article.

Wherever Troops may be necessary, they shall be stationed.

Sixth Article.

Respecting the Balances, to the End of the Year 1188, during Cheyt Sing's Administration, I have  
I  
been



## A P P E N D I X, N° 1.

been ordered from the Presence to collect and pay them to the Sirkar. I therefore represent, that whatever of the Balances for the above Year, I will pay to the Sirkar.

Answer to the Sixth Article.

Agreed,

A true Copy.

(Signed) E. Hay,

Sub Secretary to the  
Honourable Board.

Chunagur, 29th August 1781.

N° 4. A.

To Colonel Muir,

The Treachery of Raja Cheit Sing has compelled me to retreat to this Place, where I wait to reduce this Zemindary; a Work (I trust) of no great Difficulty or Time. I have received a Letter from you, mentioning that Madajee Scindia has offered Terms of Peace; I hereby give you full Powers, in the Name of the Governor General and Council, to conclude a Treaty with him on the following Instructions: I have sent you Credentials in Form: I do not repeat them in this, on account of the Dangers of the Road; but in case of their Miscarriage, this Letter must serve in their stead. Act accordingly, and I will ratify it. Agree with him, either for an Alliance of mutual Defence, or Neutrality. If he desires to include the Peshwa, you may agree to a Treaty of Peace with the Peshwa, and an Alliance against Hyder Ally Cawn, and all common Enemies, or of Peace simply, on the Conditions of restoring all that we have acquired during the War, except Ahmedabad, and the Territory conquered for Rajah Futtah Sing Guickwar, and the Fortres of Gwallior, and Fort and Territory of Lahar; that we will never assist Ragonaut Row, nor interfere in his Concerns, nor admit him into our Forts and Factories; but we will not deliver him into the Hands of any one; let a Time be allowed him to repair to a Place of Security. We will yield what is ours, and we can in Honour grant; but we will never suffer our Treaties to be infringed, nor our Faith to be violated. Reserve for us Basseeen if you can, even if it should be necessary to yield in exchange for it, all the Lands obtained by the Treaty with Colonel Upton, except Sabutta, and the other ceded Islands, and the ceded Moiety of Barouch; but do not insist on the Reservation of Basseeen to the Hindrance of Peace; we want nothing from them but their Alliance against Hyder Ally Cawn, and that we can dispense with. Be careful that the Agreement do not contain any Thing hostile to the Government of Berar, or hurtful to our Connection with it. Obtain the Restoration of the Chunderry Raja, and secure, as far as you may have the Means, the Interests of the Raja of Narwar, and any other Chiefs who have been active in our Cause. Include the Rhana of Ghode, and Futtu Sing Gaykwar in the Peace. To prevent future Provocations of Hostilities, let it be agreed to exclude the French and all other European Nations from the Ports and Dominions of the Mahrattas. If a Treaty has already taken place between General Goddard and the Mahratta State, the present Treaty must in such Case be void, but you may assure Scindiah that no Peace can or shall be made to his Prejudice. Send, if you think proper, a confidential Person to Madajee Scindiah. If he will engage on the above Terms, he must conclude them now: I am now making my final Arrangements, and if the Time is lost, a Treaty with him may be for ever precluded by them. Obviate any Conclusions which he may draw from the present Scene: It regards myself personally, and myself at this Time but little. Cheit Sing, by the sudden Massacre of some of the Sepoys of my Guard, which diminished it to the small Number of 400 Men, shut up with me in the close Suburbs of Benares, might have effected my Destruction. I escaped the Danger, and Troops are assembling daily, to which he can afford no Opposition. While the Effect of these Instructions is passing to Scindiah, the Rajah's total Exclusion might be accomplished; I hope it will.

(Signed) Warren Hastings.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the  
Honourable Board.

Chunargur, September 10th 1781.

N° 4. B.

To Colonel Muir.

Sir,

I have lately sent you Dispatches in Duplicate, containing Instructions and full Powers for negotiating and concluding a Treaty of Peace with Madajee Scindia, either for himself separately, or with a Retention in favour of the Peishwa, in case it should be agreed to include him as a Party in the Treaty. I have since received Intelligence that one of my Dispatches has been intercepted, and it is not unlikely that the other may meet with the same Fate. I have also sent a second Letter, of the same

# A P P E N D I X, N<sup>o</sup> 1.

same Substance with the first, but without Credentials. As the present Opportunity promises a more safe Conveyance, I now send you a Duplicate of my last Letter of Instructions, together with a more full and regular Commission than it was before in my Power to forward to you.

I had Yesterday the Pleasure to receive your Letter of the 17th ultimo. The one which you mention to have written on the 13th has not reached me; I imagine it has fallen into the Hands of Cheit Sing's People. It is with great Satisfaction I observe, from the Deputation of Chimnaghee Row, that Madajee Scindiah has in some Degree anticipated the Overtures of this Government, that the general Expressions of a Desire of Peace, used at his first Interview with Mr. Ford, indicate a Disposition so consonant with our own. If Scindiah should urge the Return of your Detachment beyond the Boundaries of his Dominions, I see no Objection to this Condition being granted; on the contrary, I desire it. There can be no Use for the Continuance of the Detachment after Peace is concluded; nor will there be any Thing in the smallest Degree dishonourable in agreeing to its Return.

The Objects of its Equipment were, to divert Madajee Scindiah from the Operations on the Malabar Side of India, or to withdraw him from the Alliance of the Ministers of the Peshwa; and these Objects having been effected, its Return becomes a natural Consequence.

We are under no Engagements to protect the present Dominions of the King, or those of Nudjiff Cawn and the Raja of Jaynagur; and if Peace is settled betwixt Madajee Scindiah and us, I do not desire that he should be restrained in carrying into Execution any Plans which he may have formed against them; at the same Time, I think it necessary to caution you against inserting any thing in the Treaty, which may expressly mark either our Knowledge of his Views or Concurrence in them. It will be sufficient for us (and Scindiah ought to be satisfied with the Latitude implied in it) if he is only restricted in the Treaty from making Encroachments on our own Territories and those of our Allies, the Nabob Vizier, the Rana of Ghode, and Futty Sing Gaickwar: For these, an express Provision must be made. He must, in direct Terms, engage, that he will never invade, or in any Respect molest them; as we will in the same Manner stipulate with respect to his Territories. In my Letter of the 29th ultimo, I instructed you to obtain the Restoration of the Chandery Raja, and to secure the Interests of the Raja of Narwar, and any other Chiefs who have been active in our Cause. This Subject I must now leave to your Discretion, as it is not in my Power to send you such explicit Instructions as I could have wished, not having Access at present to your and Colonel Camac's Letters, which point out the Nature and Extent of our Connections with each of these Rajas, and the Claims which their past Services may have given them to our Protection. In discussing their Interests, we must make a Distinction betwixt actual and implied Engagements. No actual Engagements whatever exist between us and any of these Rajas: Such of them, however, as have taken an active Part in our Cause, are entitled to some Degree of Consideration. You who are on the Spot, can best judge of their several Merits; and will attend to them as far as you may be able, without hindering the more important Objects of your Negotiations.

It seems probable, that few Difficulties will arise in settling a separate Treaty with Madajee Scindiah; and this is the Object which I have principally at Heart. Let it not be impeded or retarded by the Obstacles which may occur in adjusting the more complicated Matters remaining in Dispute betwixt us and the Peshwa. A Peace with the one must soon produce a Peace with the other. Let an Opening be left for it in the Treaty with Scindiah, on the Terms I have mentioned; and although these Terms comprehend in our Favour every Object which we could desire; yet they are, on the Whole, so advantageous to the Peshwa, that I think his Ministers will acquiesce in them, rather than continue a precarious and expensive War, deprived of the Support and Assistance of Madajee Scindiah.

It will be necessary to stipulate, that in case they shall not accede to the proposed Terms of Peace, Madajee Scindiah shall not, directly or indirectly, assist them, or suffer any of his Tributaries or Subjects to assist them, with Men, or Money, or Arms, or any other Means of carrying on the War against us.

This must either be expressly stipulated, or so clearly and strongly implied, that no Doubt shall remain regarding it.

In the Event of a Peace being settled with the Peshwa, it will perhaps be thought proper to recall General Goddard's Detachment; and their best Route lies through Madajee Scindiah's Territories. With a View to such an Event, you will stipulate with Madajee Scindiah, that he shall allow them a free Passage, and assist them in procuring Provisions and other Necessaries on the Road.

I enclose a Letter which I have written to Scindiah, informing him of the Powers which I have delegated to you; and desire that you will urge him to an immediate Decision on the Propositions which you have to make to him. Inform him, that any Delay or Evasion on his Part, may preclude an Accommodation for ever; and that by your Answers I shall be regulated in entering into another Plan of Connections, which will not only prove an inseparable Bar to the Views he has at present formed on the Northern Provinces, but draw such a powerful Attack on his own Territories, as must infallibly end in his Expulsion and Ruin.

If after the Conclusion and Execution of the separate Treaty with Madajee Scindiah, he should desire to promote a Peace between us and the Peshwa, I will appoint a Person with full Powers to negotiate the same, through the Channel of his Introduction and Mediation.

I am, &c.  
(Signed) Warren Hastings.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the  
Honourable Board.

# A P P E N D I X, N<sup>o</sup> 1.

Extract of a Letter from the Governor General to the Governor General and Council; dated N<sup>o</sup> 4. C.  
Benares, 22d October 1781.

I have already expressed my Approval of the Orders sent to Bombay, and to Brigadier General Goddard, on the 24th September, against a Plan of offensive Operations, and an Augmentation of the Military Establishment on that Coast. The Reasoning in favour of an Increase of their Army, is doubtless overset by their own Confession of an Inability to maintain what they have already; and we are unable to supply them. I have not yet seen the Plan of offensive Operations recommended, but I am generally against it, not being able to discover to what useful Object it can tend. Be it what it may, this Government has no Object but a Peace; we have acquired all that we fought for when we were forced into the War, and we have offered to part with a large Share of that All, to effect a Peace. But I am influenced by still further Reasons for approving of the Orders sent to Brigadier General Goddard; and these I shall now recite, first making an Apology to the Board for not having before given them public Information of the Facts on which they were grounded. I alluded to them distantly in an official Letter, which I wrote to Mr. Wheeler from Chunar; but from a Fear of its being interrupted, it was expressed with so much Caution, that I fear my Meaning may not have been exactly understood. In a private Letter, which I have since written to Mr. Wheeler, I have been more explicit, and shall be obliged to him, if he will be pleased to lay before the Board, and record on their Proceedings, such Part of it as relates to the Subject.

I was made to understand, by a Letter which I received from Colonel Muir, and by distant Advances made to me after my first Arrival at this Place, that Madajee Scindia was very desirous of a Peace. His Wishes coinciding with those of our own Government, I sent Orders to Colonel Muir to negotiate, and full Powers to conclude, a separate Peace with him; accompanied by Instructions for the Colonel's Guidance, in fixing the Conditions of it. As these appear to be the Orders on which a Treaty has since been prepared, I transmit a Copy of them enclosed for the Information of the Board, together with a Copy of my Credentials to Colonel Muir. They were both drawn up to go in the smallest Compass possible, on account of the Danger to the Passage of our Letters at that Period. Soon after I had dispatched these Orders, and before they could reach Colonel Muir, I received from him a Communication of his Correspondence with Scindia, with respect to the Conditions of a Peace; and was happy to find by it, that the Conditions to which Scindia would agree, were, except in very trivial Instances, the same as those which I had impowered Colonel Muir to yield.

I have the Honour to transmit inclosed, for the Information of the Board, a Translation of the Proposals made to Colonel Muir by Scindia's Dewan, on the Part of his Matter; a Copy of my Replies, and of a Letter which I wrote with them to Colonel Muir on the 11th ult. A Truce had been respectively agreed on between the Two Commanders, and my Instructions to Colonel Muir fortunately reached him before the limited Period of it was expired. I have been for some Time in hourly Expectation of hearing that the Treaty was concluded, having had the Satisfaction to learn from Colonel Muir, that neither the Arts of Cheyt Sing, nor the worst State of our Affairs in this Country, even the most exaggerated Account of them, appear to have affected the amicable Disposition of the Mahratta Chief; but as it will afford the Board Pleasure to know what Progress Colonel Muir has made, I have the Honour to subjoin an Extract of the last Letter which I received from him, under Date the 6th Instant.—“The Treaty is at last fairly made out, and is this Day transmitted to Scindia for his Approbation. To-morrow it will be returned, and if approved, Captain Ford will be dispatched to his Camp to see his Signature and Seal affixed; after which Interim, I shall be able to write you fully on every Part of the important Charge intrusted to my Management.”—To this Information I beg the Board's Permission to add an Extract of a private Letter received from Colonel Muir's Camp, of a still later Date. “Leshai, 11th October 1781. “The Treaty is ready, and Ford is to set out this Morning for the Mahratta Camp to have it executed by the Putul, as he has already approved of the Articles in it.”

The Board will observe in Scindia's Proposals for a separate Peace, that he promises his Interposition at Poona, for effecting a general Peace with the Mahratta State; and as in such Event it will be necessary to take some further Steps for securing Success to so desirable an Object, I shall soon have Occasion to address the Board again on this important Subject.

A true Extract.

(Signed)

E. Hay,

Sub Secretary to the  
Honourable Board;

To Edward Wheeler, Esquire, &c. Council.

N<sup>o</sup> 4. D.

Gentlemen,

I have the Honour to transmit to you Copies of my Instructions severally delivered to Mr. Anderson and Mr. Chapman; the former deputed to Madajee Sindia, the latter to Naypore. Both  
SUP. SEL. COM. REP. II. T are

## A P P E N D I X, N<sup>o</sup> 1.

are so consonant to your Wishes, and to the Commands of our honourable Superiors, that they will need no Comment or Explanation; unless it shall appear, that the Mission of Mr. Chapman is rather ostensible than real, little being given him in Charge, but to preserve the Friendship unimpaired between the Government to which he is deputed and our's. In effect, the Advantages proposed by it, are rather contingent, than such as could be prescribed as determined Objects; an Attention was necessary to an ancient and approved Friendship of our Government, on the Occasion of our availing ourselves of a different Influence. I have judged it necessary to provide for a new Channel of a Correspondence with that Government itself, having lost that on which I had hitherto placed a confident and effectual Reliance, in the Dewan Dewargur Pundit. But my principal Hope from this Deputation is, that it may prove the Means of quickening the Conclusion of the Peace with the Mahratta State, by making an Object of Competition to the Two most powerful Members of it. It is not the professed Object of Mr. Chapman's public Credentials, and therefore not liable to any just Grounds of Jealousy in Madajee Scindia; but from my Experience of the general Tenor of the Policy of the late Dewan, and the Veneration paid to his Judgment, especially by the Rajah himself, will continue to make the Rule of the present Administration, or whatever may decidedly succeed to his. I have no Doubt that either the Rajah will endeavour to counteract our Endeavours to obtain a Peace, that we may ultimately have Resource to him for affecting it; or that he will himself precipitate it, if he sees it likely to be accomplished by another, that he may have the sole Merit of it, and preserve his Consequence with both Parties, by having been the successful Mediator between us. You will observe, that I have sufficiently guarded Mr. Chapman's Instructions against the Possibility of their clashing with Mr. Anderson's.

I am certain that Mr. Chapman will think it no Degradation to act under the Controul of Mr. Anderson, for whose Abilities he entertains a very high and deserved Respect.

Mr. Anderson left Benares, to proceed on his Deputation, on the 5th of this Month, and Mr. Chapman on the 17th: The former accompanied by his Brother, Lieutenant Anderson, whom I appointed his Assistant, granting the Allowance usually annexed to such Office; and by Tussuzal Hossain Couz, a Native of the first Abilities in Indostan, who had been employed by me under Major Palmer, during his Deputation to the Rana of Ghode, and had rendered material Services to our Government, and who I knew would be very useful to Mr. Anderson in his Negotiations, from the Character which he bears throughout the Country for his Integrity and Knowledge: His Salary I fixed at a Thousand Rupees per Month. Mr. Chapman is accompanied by Mr. John White, whom I have appointed his Assistant, with the same Allowance that is given to Lieutenant Anderson; and as the Service on which he is employed is merely temporary, I should hope that the Offices which he holds in Calcutta will not be considered as vacated by this Appointment. Mr. Anderson is authorized by me to draw the same Allowances that were given to Colonel Upton, when appointed to the Court of Poona; and Mr. Chapman the same that are given to Mr. Anderson.

I request the Board will be pleased to communicate to Mr. Anderson any Orders which they have lately sent, or may hereafter send, to Brigadier General Goddard, that may be necessary for his Information, or any Instructions given to our Resident at the Court of Hyderabad, respecting the Nazim's Mediation of Peace between us and the Marattas, that the whole Subject may be completely before him.

Colonel Muir having been unable yet to furnish me with the Particulars of the late Negotiation with Madajee Scindia, by Reason, as his last Letters mention, of the dangerous and continued Sickness of Captain Ford, to whom he had committed the Execution of that Business; and having transmitted to me the Persian Copy of the Treaty, I have the Honour to forward the same for your present Information.

Chunarghurr,  
25th Nov. 1781.

I have the Honour to be, &c.  
(Signed) Warren Hastings.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

J<sup>o</sup> 4. E.

Treaty concluded by Colonel Muir on the Part of the English Company,  
and Mah Rajah Subadar Madhe Row, on his own Part.

Mr. Warren Hastings, Governor General of Bengal, in virtue of the Power vested in him by the Governor General and Council of Bengal, having fully empowered Colonel Muir to settle a Treaty of Peace between the Mah Rajah and the Company, in this Manner, That whatever he may conclude on the Part of the Company, shall be binding on the said Governor General and Council; and the Mah Rajah and the Colonel being both desirous of a Peace, have concluded one on the following Terms.

Article 1st. Peace and Friendship being solidly established between both Parties, each will remain to their Agreement.

Article 2d. Within the Space of Eight Days from the sealing of the Treaty by both Parties,  
both

## A P P E N D I X, N° 1.

both Armies shall at one Time begin their March, Colonel Muir with his Camp shall return to the Territory of the Nabob Vizier, and the Mah Rajah with his Army to his own Country.

Article 3d. If it should be approved, the Mah Rajah will mediate a Peace with Hyder Ally Cawn and the Company, and also a Peace between the Peishwa and the Company: If Peace should take place in Consequence, it is well; if not, the English Gentlemen are left at Liberty to act as they please, and the Mah Rajah will give no Interruption.

Article 4th. Colonel Muir restored to the Mah Rajah the Territories belonging to him on this Side of the Jumnah, of which the Company have possessed themselves, and the Mah Rajah agrees not to invade the Country of Lojender Rana Chitton Sing Bahadre, or Gwalior, which is now in his Possession, or the Territory of Maheel Ram Sing Jeyendre Bahadre, now also subject to him, provided he (the said Rana) shall not behave improperly.

Article 5th. The Mah Rajah will restore Ram Chunder, Rajah of Chundery, now under the Protection of Colonel Muir, to his Government, and will make no Demand on him whatever; the Mah Rajah will take the Whole of the said Rajah's Country from his treacherous Dewan, Raudye Dehir, who rebelled against him, and will restore it all to him, except what has for a Length of Time been subject to the Peishwa; the Mah Rajah will expel the said Raudye Dehir.

The above Articles are ratified by the Seals and Signature of Col. Muir on the Part of the Company, and the Mah Rajah on his own Part, on the 13th of October 1781, answering to the 24th of Showal 1195 Keyirah.

A true Copy of the Translation of the Persian Transcript, received by the Governor from  
Colonel Muir.

(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

To Mr. David Anderson.

N° 4. F.

Sir,

Having already delegated to you by a formal Commission, the full Powers and Authority vested in me by the Governor General and Council, for the Purpose of negotiating and finally concluding a Treaty of Peace and Alliance between the Company and the Maratta State, and reposing the firmest Reliance on your Abilities and Integrity, I recommend to your attentive Consideration and Observance the following Instructions, for the easier and more effectual Attainment of the great Object of your Deputation, and other Purposes dependant upon or connected with it.

The Peace lately concluded between our Government and Mahdajee Scindia, opens a fair Prospect for the Success of your Mission, by the Offer which that Chief has made to interpose his friendly Offices at Poona for an equitable Accommodation. The great Credit and Influence which Scindia possesses in the Maratta State, leaves no Room for Apprehension that his Endeavours will prove ineffectual, if he exerts them sincerely and heartily.

It is therefore with a View to dispose him more strongly to our Interests, that I desire you to repair to him, to give him the strongest Assurance of my personal Esteem and Friendship, and of my Desire to cultivate and improve the Connection which has lately been formed between us. The most effectual Means of accomplishing these Purposes, would be a personal Interview between Scindia and myself; and I desire that you will endeavour to draw from him his Sentiments concerning it, and advise it, if you find him disposed to it, but do not abruptly or formally demand it. Should he be equally inclined to meet me, you may propose Allahabad or Cawnpore, as the Rendezvous; but if neither of those Places should suit his Convenience, I will go to Etawa, or any other Place on the Banks of the Jumna, that you may judge my Time will admit of. If Scindia should either decline an Interview altogether, or not afford you a proper Encouragement to recommend it, it must then rest entirely with you to effect my Views, which are as follows; first, obtain, through the Mediation of Scindia, and in Concert with his Agents, if he shall think proper to depute one for the Purpose, a Treaty of Peace and Alliance, offensive and defensive, with the Peishwa, against all common Enemies, but especially against Hyder Ally Cawn; or of Peace simply, on the Condition of restoring all that we have acquired during the War, except Ahmedabad, and the Territory conquered for Futty Sing Guickwar.

We cannot totally abandon the Interests of Ragonaut Row; endeavour to obtain for him an adequate Provision, on the Conditions prescribed in General Goddard's Instructions.

You may consent to yield what is ours, and what we can in Honour grant; but we will never suffer our Treaties to be infringed, nor our Faith to be violated. You will of course be attentive to any Engagements subsisting between us and other Powers, in settling the Terms of Peace and Alliance with the Marattas. I except from this Precaution the Rana of Ghode, who has been guilty of the most flagrant Breach of Faith towards us, in every Instance, after a most faithful and scrupulous Performance of every Stipulation in his Favour by us, and after we have saved him and his Country from certain Destruction. Leave him to settle his own Affairs with the Marattas: Colonel Muir will give you complete Intelligence concerning the Rana's Conduct, and from this you will judge whether he is worthy of being any longer considered as our Ally.

Reserve

## A P P E N D I X, N° 1.

Reserve Bassein if you can, even though it should be with the Concession of restoring all the Lands obtained by the Treaty with Colonel Upton, except Salfett, and the other ceded Islands, and the ceded Moiety of Baroach; but do not insist on the Reservation of Bassein, to the Hindrance of Peace. We want nothing from the Marattas but their Alliance against Hyder Ally Cawn, and that we dispense with, as the Effect of a positive Engagement to which they cannot perhaps in Decency agree, although they may be desirous of availing themselves of any Pretext which may lead to it without a direct Breach of their public Faith.

Be careful that your Engagements do not contain any Thing hostile to the Government of Berar, or hurtful to our Connection with it.

Include Futy Sing Guickwar in the Peace, according to the Treaty concluded with him, of which you have a Copy.

Obtain the Exclusion of the French, and all other European Nations, from the Alliance, and from the Ports and Dominions of the Marattas.

It must be a principal Object of your Attention to prevail upon the Maratta Government to invade the Dominions of Hyder Ally Cawn: They will not enter into public Engagements for that Purpose, as they are at present in Alliance with him; but Pretexts will not be wanting, when they shall perceive the Facility of making Conquests upon him.

Endeavour to interest Scindia in all these Views with the Administration at Poona, and to engage him separately, or with Tuckoogee Holcar, into closer Connections with our Government by the Prospects of mutual Advantage. I leave a large Latitude in this Instruction to your Discretion. You know my Views, which are for present Peace and future Security. Pursue and agree to whatever may promote these Views. Reject and shun whatever may obstruct them, and especially such as may draw us into a new Scene of Hostilities.

Wait upon Colonel Muir in his Camp at Etawa, before you proceed to Scindia, and obtain from him every Information and Advice which can be useful in your Negotiations with that Chief.

Since your Departure, Raja Moodajee Boosla has requested, that a Gentleman in my Confidence might attend him, as the Agent of our Government, at his Court; and I have given this Commission to Mr. Chapman. I send you a Copy of his Instructions. You will furnish him with such Communications and Orders from Time to Time, as you may judge will tend to promote the Success of your Negotiations.

Benares,  
4th November 1781.

I am, &c.  
(Signed) Warren Hastings.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

N° 4. G.

To Charles Chapman, Esquire.

Sir,

The Raja of Berar having expressed a Desire, that an English Gentleman in my Confidence may be sent to his Court, I have thought proper to comply with his Request; and depute you thereto accordingly. Your Credentials are enclosed.

You are to consider the First Object of your Commission to be, to strengthen and encrease the Friendship and Alliance virtually subsisting between the Company and the Berar Government. You will be furnished by the Secretary at the Presidency with Copies of all the Papers that are material to your Information respecting the Relation in which the Two Governments stand to one another; and the Persian Translator has Orders to give you Copies of such Part of the Correspondence between them, as you may require.

Should any Circumstances occur that may present a favourable Opportunity to the Rajah to act offensively against Hyder Ally, and he or his Ministers should shew a Disposition to employ the Berar Forces in doing so, you will encourage it, and acquaint the Board with any reasonable Conditions on which such Aid may be proffered.

The indecisive Conduct of the Berar Government, subsequent to its Offer of Mediation and Guarantee of a Peace between the Company and Maratta State, having thrown the Credit and Honour of such Interference into other Channels, you can now only accept of the Assistance which the Rajah's Influence, as a Member of the Maratta State, may enable him to afford, for effecting a speedy Termination of the War, unless the other Members of the Maratta State should require or approve his Guarantee, of which you will be advised by Mr. Anderson: And in this, and on every other Occasion which may result from his Negotiations, you will act conformably to his Advice and Requisition.

Should the Raja, as he declares his Intention to be, pay a Visit to Poona, and invite you to accompany him, you will comply with his Desire; but as Mr. Anderson has been deputed by this Government with full Powers to conclude a Treaty of Peace with the Maratta State, you are on no Account to enter upon any Negotiation but at his express Requisition; and you are, in every Re-



## A P P E N D I X, N° 1.

spect, to consider yourself as subordinate to him, and to promote the Object which he has been appointed to accomplish.

In this Qualification of your Powers, I know that I conform to your own Wishes; but should any unforeseen Accident happen to Mr. Anderson, that will prevent him from being present at an Assembly of the efficient Members of the Maratta State, or otherwise acting on the Orders given him, and he shall write to you to that Effect, and you yourself be on the Spot, and find them disposed to accommodate their Disputes with the Company, the Powers entrusted to Mr. Anderson are in such Cases to devolve on you, and you will act in Conformity to his Instructions, a Copy of which is given to you enclosed, and to such further Instructions as he shall give you.

Mr. John White is appointed your Assistant in this Deputation, and he and yourself are authorized to draw the fixed Allowances usually given to Persons employed in your respective Capacities.

I am, &c.

(Signed) Warren Hastings.

Benares,  
12th November 1781.

A true Copy.  
(Signed)

E. Hay,  
Sub Secretary to the  
Honourable Board.

To Edw<sup>d</sup> Wheler, Esquire, and Council.

N° 5.

Gentlemen,

The Mode of collecting the Customs on Merchandize passing through this Province, being attended with much Abuse, and the Rates unequal, being proportioned to the Load, not to the Value of the Goods; I have issued Orders that the Customs shall be hereafter collected only at Three Stations; namely, Mirzapore, Benares, and Gazipoor, by appointed Officers instead of Farmers, and according to a new Table of Rates formed on the ordinary Prices of the Goods; the Duty to be levied thereon at the Rate of 5 per Cent. and in One single Payment.

Enclosed are Copies of my Orders to the Rajah, and to the Resident, and of the Table of Rates.

I am, &c.

(Signed) Warren Hastings.

Chunargur,  
22d November 1781.

A true Copy.  
(Signed)

E. Hay,  
Sub Secretary to the  
Honourable Board.

N. B. The Enclosures being merely official, and their Information only of local Use, are therefore omitted. They are also of considerable Bulk.

To the Honourable Warren Hastings, Governor General, &c. &c.

N° 6.

Sir,

When I had last the Honour of seeing you, I more than once urged my Reasons for thinking that the Rebellion of Raja Cheit Sing was but a Part of a larger and more extensive Plan, which was, by the good Fortune of your Arrival, prematurely brought forward before all the Parties to it were united and properly prepared for Action. In support of this Belief, and to prove that I am far from being single in the Espousal of it, I beg Leave to trouble you with some Extracts from the Letters I have received from Colonel Hannay, written from the Time of the first breaking out of the Rebellion, to my Return to Lucknow. His Situation for obtaining the Knowledge he imparts, his Experience, and his Judgment to guide what he advances, must make his Sentiments of Weight and Authenticity.

In his Letter of the 8th September from Fyzabad, scarcely Ten Days after he had set about obeying the Nabob Vizier's Orders to march with his Force to your Assistance, he writes, "That the whole Country on the East Side of the Gogra was in Arms and Rebellion; his own Troops deserting, and the single Companies scarcely able to join other Detachments; the Forts of Gurruckpore, Bilma, and Dumreagunge, taken from the Aumils by the Zemindars; and that even Hircarrahs cannot pass; so that all Communication of Intelligence from his other Detachments under Major McDonald, Captain Williams, and Lieutenant Gordon, was cut off and at an End." He adds, "This Town (Fyzabad) has more the Appearance of belonging to Cheit Sing than the Vizier. The Begums have placed Guards to prevent any of my People going to the Bazar in it. Within these few Days Shaake Cawn, with near 1,000 Horse and Foot, has marched from hence to Benares (they were raised here) and I must confess, that for my own Part I have no Doubt but Juwar Ally Khan and Behar Ally Khan, through their Agents, have stirred up all the Distur-

SUP. SEL. COM. REP. II.

U

"bances

“ bances which extend from hence to Powez and Azimgur. I have sent Hoolafs Ray to the Begum,  
 “ to enquire into the Reason of my People being prevented from going into the Town, Cheyt Sing’s  
 “ being suffered to raise Troops here, and why her Servants attempted to prevent my getting Boats to  
 “ transport the Company’s Guns and Horse from Amora? I have also desired that she will give Or-  
 “ ders for seizing the Family of Shaake Cawn (above mentioned); and when Hoolafs Roy returns, I  
 “ will write you her Answer. In Kyrabad, Shylack, and all the Country on the West Side of the  
 “ Gogra, between Fyzabad and Kyrabad Beid-amley, in Perfection; the Aumils flying before the  
 “ Gongwars, and Cannon firing at all Hours. Cheyt Sing has sent Money to Futtu Saw, Ghinoo  
 “ Roy, Ajeetmul, Zalim Sing, and all the refractory Rajas, to enable them to raise Men.—I this  
 “ Moment received Gordon’s Account of the Loss of his Detachment, which puts my March to join  
 “ you out of the Question. It happened by the Villainy of the Phousdar of Tanda, Shumhur  
 “ Khan, a Cheelah of Bahar Ally Khan, who turned his Guns upon the Detachment; and an  
 “ unfordable Nullah in Front, and many Thousands of Rajepouts, who had fought them all the  
 “ Way from Chowra Gaut, made the Sepoys despair. Zalem Sing and Puttypaul Sing mean to  
 “ attack McDonald To-morrow with 2,100 Men. Behar Ally Khan deserves Death, as the Loss of  
 “ Gordon’s Detachment can only be imputed to him. His Cheelak would never have acted so dar-  
 “ ing a Part without Orders from him. Juwar Ally Khan, in the Choke of Fyzabad, asks every  
 “ Man who bears the Appearance of a Soldier, why he goes not to Cheit Sing for Service. I  
 “ mention these Circumstances, that you may mention them to Mr. Hastings and the Nabob, and  
 “ the necessary Steps be immediately taken to prevent what Delay will render a very serious  
 “ Matter. A few Days more will lead the Ferment which is here to Lucknow. If the Nabob in-  
 “ sists upon my proceeding, I must bring every Body with me, for whoever is left behind will  
 “ be sacrificed.”

On the 7th of September Captain Williams writes “ Upon my Arrival here I found that Part of  
 “ Futtu Saw’s, Ghinoo Roy’s, and Ajeelmull’s People, had crossed to Manjowlay. They have been  
 “ urged to this Step by Cheyt Sing, who has supplied them with a considerable Sum of Money, and pro-  
 “ mised them great Sums, if they will put the whole Country into Confusion; 5,000 Men are on the  
 “ opposite Side of the River ready to cross; Futtu Saw has written to all his Adherents to be in  
 “ Arms; *Saadit Ally and the Begums* are concerned deeply in the late Business.” In a subsequent  
 Letter, received immediately after the above, but without Date, Colonel Hannay says: “ I have  
 “ before told you how violently the Begum’s People inflame the present Disturbances; and, in addition  
 “ to this, the principal Zemindars and Rajahs have all Certificates, under the Seal of Cheyt Sing,  
 “ that he will supply them with whatever Money they may require for subsisting all the Troops they  
 “ can raise. In a very short Time I apprehend the greatest Part of the Nabob’s Dominions will be  
 “ in the State we are in here; and it is the general Belief of every Man in this Part of the Country,  
 “ that the Conduct I have related is a concerted Plan for the Extirpation of the English. What may  
 “ be the Situation of the rest of the Nabob’s Dominions I know not; but it is most certain, that  
 “ from Goonda to Manjee, and from Fyzabad to the Benares District, and across from the Gogra to  
 “ the Ganges, the Country is in the utmost Ferment. Should the present Disturbances proceed from  
 “ a Plan of Policy, it will be concealed from you as much as possible, and therefore I take all possible  
 “ Means of communicating to you what I really know to be fact. I know not whether the Dawks  
 “ pass freely from you to Lucknow; but if they do not, and no Measure is immediately taken  
 “ to bring about Order, and draw the Troops together, we may be deprived of all possible Means  
 “ of assisting one another, and the Army lost by detached Regiments. We have no Communication  
 “ with Bengal, and the Troops on this Side Benares are at present too much separated to yield one  
 “ another timely Assistance. I hope to God a sufficient Force is ordered for the Reduction of  
 “ Cheyt Sing; *for the People who are daily sent to him, Horse and Foot, from Fyzabad, and the Seat*  
 “ *of Rebellion I have before named, is very great.*”

In the next of the 13th he says, “ It is impossible, in the general Insurrection which now reigns al-  
 “ most universally, for me to get the Force together the Nabob demanded, or to force my Way to  
 “ you with a less. The greatest Anarchy prevails. The present Insurrection is said, and believed,  
 “ to be with an Intention to expel the English. I am compelled to give up all the Country below  
 “ Goonda. Be upon your Guard against the Vizier, for there are many Circumstances to make me  
 “ believe he means to espouse the Cause of Cheyt Sing; the *Begums have almost themselves* recruited  
 “ for him.”

In his Letter of the 18th he says, “ If you meet with but a Check at Benares, every Man in the  
 “ Country is ready to fall upon your scattered Parties. The State of the Vizier’s Dominions is in  
 “ general beyond Description; the Insurrection is not partial, but generally spread throughout the  
 “ Whole, though it rages most violently in the Mahls of Sultanpore, the Mahls from Fyzabad to the  
 “ Benares Country, the Mahls on this (East) Side of the Gogra, and in Koonary, Kyrabad, and  
 “ Sylack; and if I may trust to the Information I receive, it is already begun; and will soon rage  
 “ as violently, in the Shajihempore, Rohilcund, Kosa, and the Douab. I have already and repeatedly  
 “ informed you of the Dispositions of those in Power in Fyzabad, which has in fact been one of the  
 “ great Sources of the Insurrection, and the Place of all others in the Vizier’s Dominions which has  
 “ supplied Cheyt Sing with the greatest Number of Troops. The old Begum does, in the most  
 “ open and violent Manner, support Cheyt Sing’s Rebellion and the Insurrection; and the Nabob’s  
 “ Mother’s accursed Eunuchs are not less industrious than those of the Burra Begum. Capital Ex-  
 “ amples of Jewar Ally Khan and Behar Ally Khan would, I am persuaded, have the very best

## A P P E N D I X, N<sup>o</sup> 1.

“ Effect.”—On the the 20th he says, after re-stating his own imminent Danger, “ I have already written you so fully my Reasons of being convinced of the Treachery practised at Fyzabad, and which, I am afraid, extends to your Camp, that I need say no more on the Subject;” and again mentions the general Insurrection. The Truth of these Positions I found most fully proved upon my Return, but observed in particular, that the most vigorous Efforts were limited to the Jaygurdars, amongst whom the Begums, Fyzullah Khan, and Lutteefet Ally Khan, distinguished themselves. However, the Nabob's Return, the Victories gained by the Troops with you in the total Reduction of Cheyt Sing's Country, and the March of the Two Regiments from Cawnpore to our Assistance here, have unitedly contributed to restore Matters nearly to their usual Tranquillity. The Example most necessary to be made of the Two active and turbulent Eunuchs, mentioned by Colonel Hannay, remains yet to be done, as well as of a Villain now in Confinement, who had assembled 5,000 Gongwars for the avowed Purpose of rescuing Two principal State Prisoners from their Confinement with the Nabob, and, as it is universally believed, to make an Attempt upon the Treasury, for which he had fixed the Day of the Dusârah; but was most happily detected, seized only a Day before by the Vigilance of the Cutwal, and the Fact proved by Papers found in his House. Unless Spirits of this Sort be controuled, the worst of Consequences may be expected from the Neglect, should (which God avert!) any fresh Opportunities occur.

Lucknow,  
October 17th 1781.

I have the Honour to be, &c.  
(Signed) Nath. Middleton.

A true Copy.  
(Signed) E. Hay,  
Sub Secretary to the  
Honourable Board.

### TRANSLATION of the Sunnud granted to Rajah Cheit Sing, for the Zemindary of Gauzy- pore, Benares, &c. N<sup>o</sup> 7. A.

Be it known to the Mutfudies in Office, present and to come, Cannoongoes, Mutchudums, Ryotts, Cultivators, to all the Inhabitants and People resident and belonging to Sircar Benares, Gauzypore, and Chunara, in the Soubah of Illahabad, That whereas by virtue of a Treaty with the Nabob Asoph ul Dowlah, concluded on the 20th Rubby ul Owâl 1189 Hegree, or 21st May 1775, the Government and Sovereignty of the Sircars above-mentioned has been ceded to the Honourable East India Company, from the 4th of Jumaddy-ul-Owâl 1189 Hegree, or 4th July 1775: The said East India Company therefore, in virtue of the Rights thereby obtained, do confirm unto Raja Cheit Sing the Zemindary, Aumerry, and Foujedarry of the said Sircars, agreeably to the Zemmen, together with the Cutwallies of Juanpore and Benares, and the Mint of Benares, from the said Date; whatever Gold and Silver shall be coined in the said Mint, the said Raja shall coin conformably to his Mutchulcka. He is not to be in the smallest Particular remiss in the Observation and Execution of the several Duties incumbent in him; he is to behave with Moderation and Kindness to the Ryotts and People; to promote the Cultivation, and Increase of Inhabitants, and Produce of the Lands, expelling Thieves, Nightly Assaulters, and Robbers, and so effectually punishing the Disturbers of the Peace, that no Trace of them may be seen; and he is to pay a Tribute of 23,40,249 Benares Mutchuldar Rupees, or 22,66,180 Calcutta Siccas, Annually to the Company's Treasury. Should he receive Orders to pay the above Revenue at Benares, he shall in that Case pay the Sum of 23,40,249 Benares Mutchlidar Rupees, each Rupee to weigh 10 Masha, and to contain Two Ruttec and Two Chowls of Alloy, and no more; should the Weight be less, or the Alloy more, he shall make up the Deficiency. Whenever the Money shall not be wanted at Benares, he is to remit the annual Amount of 23,66,180 of Sicca Rupees, punctually, agreeably to his Kists, and by Monthly Payments, at Calcutta; in consideration of which he shall be allowed a Deduction of Two per Cent. amounting in all to Sicca Rupees 44,434. 14. 5. Account of Hindownny or Exchange; which being deducted, the net Amount is 22,21,745. 1. 7. Sicca Rupees of Calcutta, which he is to pay at that Place. After the Settlement of Accounts at the End of the Year, he shall, in the customary Manner, receive Credit for his Payments; and he is by no Means to collect the prohibited Abfau of the Durgah of His Majesty. This Sunnud being granted, is to remain in force, and all former Sunnuds to become null and void. You, the Mutfuddies and Persons above-mentioned, are to regard the said Raja as truly and lawfully possessed of the Zemindary, Aumeeny, and Foujedarry of the above Sircars, and to acknowledge his Authority in the several Acts appertaining thereunto: Know, that we have here issued the most strict and positive Commands, and obey them accordingly.

Written on the 25th of Suffer 17 Sun, or 15th April 1776.

(Signed) By the Governor General and Council.

The

## A P P E N D I X, N<sup>o</sup> 1.

The Zimmeen.

The Office of the Zemindary of Sircar Benares, Gazypore, Chundara, and Cuttwally, the Duties, and the Mint in the Soubah of Illahabad, have been conferred upon the great Chief Raja Cheit Sing Behadre, also the Aumeene, and Fojedarry Mahals, 19; viz.

Sircar Benares.  
 Chundara.  
 Sircar Gazapore.  
 Mahls of Jaimpore, comprehending Maul and Duties.  
 Havily Mah<sup>t</sup> Abad Benares.  
 The Caus Daums, or for supplying Cloathing to the King.  
 Purgunna Bhadowy  
 The Tallock of Sacramow in Chundar.  
 Suktusgur.  
 Bidgeypore.  
 Sikunderpore.  
 Khreed Shadyabad.  
 Tuppa Serringa.  
 The Cuttwally and Duties of Benares, free.  
 D<sup>o</sup>                      D<sup>o</sup>                      of Jaunpore, D<sup>o</sup>  
 The Mohal of the Mint of Benares,                      D<sup>o</sup>  
 The Benares Mukeemi, or Brokerage.  
 The Sungwuzzenace, or Stone Weighing of Benares, and the other Mahals.  
 The Yautelauby, or Office of Matteeslub of Benares.

A true Copy.

(Signed)

E. Hay,  
 Sub Secretary to the  
 Governor General and Council.

N<sup>o</sup> 7. B.

C O P Y of a Pottah, granted to Cheyt Sing.

The Pottah, containing the under-written Stipulations, is granted unto Raja Chyte Sing Behader.

Sircar Benares, Gazepore, Chunar, and the Mahls of Sircar, of Jaunpore, comprehending the Mahal and Duties, Havily Mahomed Abaub Benares, the Khaus Daums, in Pergunna Bhaderry, Talook of Sunkeramon, in Purgunna Chunar, Suklesgurra, Bijeypore, Sircar Gauzypore, Purgunnah Sekunderpore, Khered Shady, Abaud Patna Serringa, including the Cutwally Duties of Jaunpore and Benares, the Mint of Benares, the Mokumey Yalifaub, and Stone Weighing, both Maul and Duties; and the Duanna Duffoor, excepting the Narcar of Half the Jaghur of Bhadury, the exempted Jaghurs, and Aymu, which have been inserted for a Length of Time in the Accounts as Deductions: All the Articles of the Tahced are settled upon you from the 4th of Jaumaudyul Awaul 1189 Hijeree, or the 4th of July 1775 English, at a Stipulation per Amount of 23,40,249 Mahider Benares Rupees, not short of the Weight of 10 Masha each, and not containing a greater Portion of Alley than Two Rutus and Two Beringi, agreeably to your Muchalka and Cabuleat. This Jani you will therefore pay. But should it not suit the Convenience of the Company to receive it at Benares, you are to pay it in Calcutta, in Sicca Rupees of Calcutta, amounting in which Specie to 22,66,180 Sicca Rupees. The Amount of the Hindooaum or Exchange allowed you, at the Rate of Two per Cent. is Rupees 44,434. 14. 5, which being deducted, the net Sum will be 22,21,745. 1. 15. Sicca Rupees of Calcutta. This you are to pay without the least Deduction or Depreciation whatever, in the Course of each Year, by monthly Payments, agreeably to your separate Kisthundy. This you are to pay without any Allowance for Seebundy; you will remit the Money to Calcutta without fail, conformably to the said Kistbunde.

P A R T I C U L A R S

**PARTICULARS** of the Tribute; viz. .

# A P P E N D I X, N° 1.

such Case pay it at Calcutta annually, by monthly Payments, according to Kistbundy, and conformably to the Fuzel Zillor. Particulars in the Margin, the Sum being Calcutta Sicca Rupees 22,66,180, including Nuzzooranna, &c. but deducting, on account of Hyndooaum or Exchange, a Premium of Two per Cent. which Premium of Two per Cent. upon the whole Sum, being Sicca Rupees 44,434. 14. 5. I will accordingly deduct from, remitting the Remainder to the Company's Treasury at Calcutta; so that, after the Deduction of Exchange, I shall pay Nett, and without further Deduction, into the Treasury at Calcutta, the Sum of Calcutta Sicca Rupees 22,21,745. 1. 15. at the End of each Year.—After Payment of the same, and observing the Conditions agreed upon, I shall receive a Release or Discharge in full; wherefore I have written the Agreement, to be adhered to accordingly.

In the Margin follows a List, dated 25th Suffer, 17th Sun, of the Monthly Installments, corresponding with the 15th April 1776 Christian.

(Signed) By the Raja.

Seal of the  
Raja.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the Governor  
General and Council.

## N° 1. EXTRACT from the Secret Proceedings of the Honourable Governor General and Council, on the 9th July 1778.

Resolved, That Rajah Cheyt Sing be required in Form, to contribute his Share of the Burthen of the present War, by the Establishment of Three regular Battalions of Sepoys, to be raised and maintained at his Expence; and the Governor General is requested to write to him to that Effect.

## N° 2. COPY of a Letter from Raja Cheyt Sing; received 30th July 1778.

I have been honoured by the Receipt of your gracious Letter, communicating the Intelligence of a War having broke out between the Courts of Great Britain and France, and desiring me to take on myself a Share of the Burthen of Expence.—My Patron! I am the Servant of the Sircar—I will write you more fully hereafter—on all Occasions I am hopeful of your Highness's Favour and Support.

## N° 3. EXTRACT from the Secret Proceedings of the Honourable Governor General and Council, on the 26th August 1779.

Resolved, That the Commander in Chief be requested to give Orders to Major Camac, or the Officer in Command of his Detachment, for the March of two Battalions of Sepoys to Benares, on the Requisition of Mr. Thomas Graham, the Resident there, and to remain at that Place for further Orders.

Resolved, That the following Letter be written to Mr. Graham.

To



# A P P E N D I X, N<sup>o</sup>. 1.

To Mr. Thomas Graham, Resident at Benares.

Sir,

We have received your Letters of the 16th Instant, acquainting us that Raja Cheyt Sing had declined to pay the Five Lacks of Rupees which we required of him, as his Proportion of the Expences of the War for the current Year.

Having judged it necessary to make this Claim, which was suggested to us by the Urgency of the Case, we cannot admit of any Plea which the Raja may urge to exempt him from it: Orders have therefore been sent to Major Camac, or the Officer in Command of his Detachment, to march to Benares, immediately on your Requisition, with Two Battalions of Sepoys, and to wait our further Orders at that Place. We have thought this Step necessary, for the Purpose of compelling the Rajah to pay the Quota required of him, in case of Necessity; and we desire that you repeat your Demand, and insist on his Compliance. If the Rajah should still continue to object to your Claim, and refuse Payment, you are to require the Officer in Command of the Detachment to march immediately, in conformity to our Orders, and advise us of your Proceeding: We hope, however, that you will not be reduced to proceed to this Extremity, as it would oblige us to encrease our Demands on the Rajah, by exacting from him the whole Expence of the Detachment from the Day of its March, in Addition to our original Claim.

We are, &c.

COPY of a Letter from Rajah Cheyt Sing; received 27th August 1779.

N<sup>o</sup> 4.

I have been honoured with your Letter, calling on me for the Payment of 5 Lacks of Rupees, on account of the Expence of the War for the present Year; and understand its Contents.

My Situation is well known to you; and I assure you, without Reserve, that I have no Ability left, nor is there any Mode of Relief for me but in the Exertion of your Favour.—I am fully convinced that it is your Desire, who are my Master, to support me, your Servant; and last Year you directed Shiek Ally Nucky, that I should, by any Means; by disposing of my Effects, or by borrowing, make this One Payment, and I should not be called on in future; and that you would take every Means for my Advantage and Support.

I accordingly put in Practice every Method in my Power, and by Loans made good the Requisition. It is now absolutely out of my Power to raise the Sum required; and I am therefore hopeful that you will be kindly pleased to excuse me the Five Lacks now demanded; and that nothing may be demanded of me beyond the Amount expressed in the Pottah, which, through your Favour, I obtained from the Honourable English Company.

This Raje and Zemindary, and my Dignity, are the Gifts of your Highness; I have judged it necessary to represent to you my Inability and helpless State.

COPY of a Letter from Rajah Cheyt Sing; received the 21st August 1780.

N<sup>o</sup> 5 and  
6.

I have been honoured by your Orders, directing me to pay Five Lacks of Sicca Machlydat Rupees to Mr. Fowke, for the War, which still continues; and although my distressed Situation must be known to you from other Quarters; notwithstanding I have been afraid to represent it to you myself, that I have sold my House, and borrowed Sums of Money, from which I am not yet released; yet in Obedience to your Orders, I have paid One Lack of Rupees out of the Five Lacks to Mr. Fowke, and should pay the other Four in Three Months. I request you will send Directions to that Gentleman, to allow me that Time, and it shall be punctually paid at the End of that Term. You yourself much be convinced that I have no Abilities or Resources left.

Supposed to have been two Letters when the Catalogue of the Appendix was written.

EXTRACT from the Public Proceedings, from the 26th October 1780.

N<sup>o</sup> 7.

COPY of a Letter to General Giles Stibbett, Commander in Chief, &c.

Sir,

Having had late Occasion to be much dissatisfied with the Conduct of the Rajah of Benares towards this Government, in withholding the Payment of the Amount due from him as his Subsidy, we think it necessary to direct, and do direct you to issue Orders to the Commanding Officers of the Battalions

## A P P E N D I X, N° 1.

Battalions at the Stations nearest to Benares, to march immediately to that Place, and wait such further Orders as may hereafter be transmitted to them.

We are, &c.

### N° 8. EXTRACT from the Secret Proceedings of the Honourable Governor General and Council, on the 2d November 1780.

Agreed, That the Governor General be requested to write to the Nabob Vizier, recommending to him to require from Fyzoola Cawn the Quota of Troops stipulated by Treaty to be furnished by the latter for his Service, being 5,000 Horse, to be put under the immediate Command of Lieutenant Colonel Muir, commanding at Futtighur.

Agreed also, That the Governor General be requested to write to the Raja of Benares, requiring him to furnish such Part of the Cavalry entertained in his Service as he can spare for the Service of this Government, and to inform him what Number he can supply ; that a Letter be written to Mr. Francis Fowke, directing him to make the same Requisition of the Raja ; and at the same Time, to obviate any Jealousy which the Raja may conceive, that this may be converted to a permanent Imposition upon him, by assuring him, that the Board will require the Services of these Forces no longer than while the present War lasts, after which they will be returned.

### N° 9. To Major William Popham, commanding a Detachment at Benares.

Sir,

Benares, 5th August 1781.

Having instructed Mr. Markham, the Resident at this Place, to arrest the Person of Rajah Cheyt Sing, I desire you will order Two Companies of Sepoys from your Detachment, to hold themselves in Readiness to march at a Moment's Warning, on Mr. Markham's Requisition, for the Purpose of assisting and supporting him in the Execution of my Instructions.

I am, Sir,

Your most obedient Servant,  
Warren Hastings.

### N° 10. To the Honourable Warren Hastings, Esquire, Governor General, &c.

Sir,

Accompanying I have the Honour to send you a Return of the Killed, Wounded, and Missing, at the Affair of the 16th Instant.

I have the Honour to be, with the highest Regard,

Sir,

Your most obedient,  
very humble, and devoted Servant,  
W<sup>m</sup> Popham.

Benares,  
18th August 1781.

R E T U R N

# A P P E N D I X, N° I.

RETURN of the Killed, Wounded, and Missing, of a Detachment on Service at Benares, from the Troops encamped at Mirzapore, commanded by Major William Popham, 16th August 1781.

N° II

	Lieutenants killed.	Subadars.			Jemmadars.			Havildars and Naibs.			Drummers and Fifers.			Sepoys.		
	The 35th Regiment.	Killed.	Wounded.	Missing.	Killed.	Wounded.	Missing.	Killed.	Wounded.	Missing.	Killed.	Wounded.	Missing.	Killed.	Wounded.	Missing.
1st Battalion	Arch. Scott	—	1	—	1	—	—	2	7	—	—	1	—	38	33	—
2d Battalion	Jerem <sup>b</sup> Symes	—	1	1	1	—	—	2	10	1	—	2	—	33	48	—
Total	2	1	2	—	2	—	—	4	17	1	—	3	—	71	81	—

RETURN of the Killed and Wounded of the Resident's Body Guard, at Benares, of the 16th of August 1781, commanded by Lieutenant John Stalker.

Killed	—	1 Lieutenant.	1 Subadar.	20 Sepoys.	Total	22
Wounded	—	—	1 Havildar.	9 Sepoys.		10
Total	—	1	1	29		32

## ABSTRACT of the foregoing Returns.

	1st Battalion.		2d Battalion.		Body Guard.		Total.	Killed.	Wounded.
	Killed.	Wounded.	Killed.	Wounded.	Killed.	Wounded.			
Lieutenants	1	—	1	—	1	—	3	—	—
Subadars	—	1	1	1	1	—	3	1	—
Jemadars	1	—	1	—	—	—	2	—	—
Havildars	1	3	2	—	—	1	3	4	—
Naicks	1	4	1	—	—	—	2	4	—
Drummers	—	1	—	1	—	—	—	2	—
Fifers	—	—	—	1	—	—	—	1	—
Sepoys	38	33	33	48	20	9	91	90	—
	42	42	39	51	22	10	104	102	—

# A P P E N D I X, N° I.

N° 12. The following is the SUBSTANCE of an ORDER written, but not delivered, though verbally notified to Major Popham, on the 19th August 1781:

To take the Command of a Detachment to be immediately formed, and of which his own Regiment was to compose a Part, and was on the Spot, for the Purposes of reducing the Zemindary of Benares, which was in a State of general Revolt under the Rajah Cheyt Sing, to Obedience; for restoring Peace, Order, and Security to the Country; and for granting Pardons to such Persons as should return to their Duty and make Submission to Government, with the Exception of Rajah Cheyt Sing and his Brother Sujan Sing.

These Orders, or rather Instructions, also enumerated the Corps of which the Detachment was to consist, and authorized Major Popham to raise and form a Corps of Goolundauze for the Duty of the Train.

Major Popham was left at full Discretion in the Conduct of his Military Operations, for obtaining the Object above expressed.

These Instructions were left behind in the Confusion of the Retreat from Benares, and never recovered.

W<sup>m</sup> Palmer,  
Military Secretary.

N° 13.

## LIST of English Gentlemen at Benares, the 21st August 1781

The Governor General.

Mr. Sullivan, Mr. David Anderfon, Mr. Richard Sumner, Mr. Richard Johnson, Mr. Charles Chapman, Mr. Edward Hay, Mr. G. F. Grand, Mr. W <sup>m</sup> Markham, Mr. Edward Colebrooke,	}	Covenanted Servants.
---	---	----------------------

Major William Palmer, Captain Tho' Hogan, Lieut. Samuel Turner, Lieut. James Anderfon,	}	Staff of the Governor General.
---	---	--------------------------------

Major White, Major Clark, Major Gardiner,	}	on a Visit to Benares.
---	---	------------------------

Mr. Totty,	Surgeon to the Residency.
------------	---------------------------

Mr. Thompson, Mr. Bowers, Mr. Hodges,	}	in the Governor General's Family.
---	---	-----------------------------------

Mr. Barnet,	an Inhabitant at Benares.
-------------	---------------------------

Major William Popham, Captain Jonathan Scott, Lieutenants Hamilton, Burel, Malcolm, Macleod, Wade, Calcraft, D'Esterre, Evelyn, Campbell,	}	Military Officers on actual Service.
	}	on the Way to Cawnpore, since appointed to Major Popham's Detachment.

Lieut. Fireworkers, Grand and Sand, Surgeon, and Ensign Laird,	}	
---	---	--

N. B. All the Gentlemen of this Catalogue accompanied the Governor General to Chunar, except Mr. Barnet.

GENERAL

# A P P E N D I X, N° 1.

## GENERAL ORDERS.

N° 14.

Chunagur, 22d August 1781.

Major William Popham is appointed to the Command of the whole Detachment at Chunagur.

Chunagur, 23d August 1781.

N° 15.

To the Nabob Vizier.

Your Excellency will have heard from Report, the rebellious and treacherous Conduct of Cheyt Sing, which has delayed for a few Days my Departure towards Lucknow; and I am now arrived at Chunagur, where I shall remain some Time, to punish this Treachery and Rebellion, which has originated from his own wicked Disposition. Your Excellency will therefore be pleased to return to Lucknow; and as the sole Object of my Journey from Calcutta to this Quarter was to have an Interview with your Excellency, by the Blessing of God having shortly punished, in an exemplary Manner, this Rebel, I shall be made happy by meeting with your Excellency, who in the mean while must not suffer any Apprehensions or Doubts to exist respecting this Business.

As in this Time of Necessity Troops were wanted here, and our Concerns are the same, I have therefore written to Lieutenant Polhill, who is with some Companies of your Excellency's Sepoys at Illahabad, to come to this Place, and have promised him to acquaint you with it; assuring him, that your Excellency will approve of his coming here.

(Signed) Warren Hastings.

To Major Moses Crawford, or Officer commanding the Detachment on its March from  
Dinapore to Benares.

N° 16.

Sir,

Having ordered Lieutenant Colonel Akmuty to send the Regiment of Sepoys directly to Benares, from the respective Stations of the Two Battalions, I now direct, if the Two Divisions should have marched separately, that on Receipt hereof you take Measures for effecting their Junction, whether they may be on the same or opposite Sides of the River, and proceed together the Remainder of your Route, which you will direct to this Place, instead of Benares, as at first directed. You will pursue your March on whichever Side of the River you may judge most safe and expeditious for reaching this Destination; and will be careful to guard against a Surprise, and not suffer your March to be delayed by any Object but your own Security and Defence.

Chunagur,  
23d August 1781.

I am, Sir,  
Your most obedient Servant,  
Warren Hastings.

Chunagur, 23d August 1781.

N° 17.

To Mr. Nathaniel Middleton, Collector, &c. Lucknow.

Sir,

Immediately upon Receipt of this Letter, you will be pleased to pack up and dispatch One Lack of Rupees in Silver, to be delivered here to the Commanding Officer of this Place. Should you not possess a Sum equal to this Amount in your Treasury, you will be pleased to exert every Means in your Power to raise it upon your own Credit, or otherwise; and when prepared, put it in charge of the Officer commanding the Regiment of Sepoys, which I lately ordered from Cawnpore to Lucknow. He is directed to escort the Treasure with his whole Force to this Place.

You will further be pleased, immediately on Receipt of this, to send an Agent to Allahabad, with Directions to purchase Grain to such Amount as he may be able to dispatch by Water from thence to this Fortrefs, for the Use of the Troops encamped near it.

You will also, as soon as possible, acquaint the Nabob Vizier; that instead of meeting him upon the Road from Lucknow to Benares, I now intend meeting him at Lucknow; and that I consequently request he will immediately return to that Place, and there wait my Arrival.

I am,

Dear Sir,

Yours, &c. &c.

Warren Hastings.

Chunagur,

# A P P E N D I X, N° 1.

N° 18.

Chunagur, 25th August 1781.

To Colonel James Morgan.

Sir,  
I am at Chunar; send a Regiment of Sepoys to this Place instantly, with 30 Artillery Men, Officers in Proportion, and one of Experience to command them; by Water if you can. Send Grain; a strong Escort with it. I have written many Letters to you;—be expeditious.

I am, Sir,  
Your obedient humble Servant,  
Warren Hastings.

N° 19.

Benares, 16th August 1781.

To Lieutenant Colonel Blair, or in his Absence the Senior Officer at Chunargur.

Sir,  
I request that you will give immediate Orders for a compleat Battalion of Sepoys, from the Garrison at Chunargur, to march without Loss of Time to Ramnagur, where the Commanding Officer will receive my further Instructions.

As I understand that the Regiment of Sepoys at Chunar is deficient in Arms, I request you will please to compleat the Battalion ordered for this Service with Arms from the Magazine, and a Quantity of spare Ammunition.

You will also please to order the Guards from the 11th Regiment to be relieved immediately, that it may proceed compleat in Number. Captain Blair, who is here, has my Orders to return immediately to Chunar, and take Charge of the Detachment for Ramnagur, to which I hope you will have no Objection.

I am, Sir,  
Your most obedient Servant,  
Warren Hastings.

N° 20.

Benares, 16th August 1781. 10 o'Clock P. M.

To Captain Mayaffre, or Officer commanding a Detachment at Mirzapore.

Sir,  
I desire that on Receipt hereof you will march the Detachment now at Mirzapore, by the Route of Chunargur, to Ramnagur. To avoid Delay, it will be best to embark your Guns and Stores at Mirzapore for Chunargur, where you may disembark them, and bring such as are necessary for immediate Service with your Detachment by Land.

If you should overtake a Party of Sepoys detached from the Garrison of Chunar, you will join them, and take Command of the Two Detachments until you receive further Orders.

I am, Sir,  
Your most obedient Servant,  
Warren Hastings.

N° 21.

Benares, 16th August 1781. 9 o'Clock P. M.

To Captain Blair, commanding a Detachment.

Sir,  
The Rajah having made his Escape from hence, is still at Ramnagur, with all his People in Arms, as I am informed. You will therefore be upon your Guard, and diligent to prevent a Surprise or Attack in such a Situation as might give an Advantage over you. You will not proceed to the Town of Ramnagur, as at first directed, but halt, upon the Receipt of this, at such a Distance, and in such a Situation, as you may judge will afford you Security, until you receive further Orders from me.

I am, Sir,  
Your most obedient Servant,  
Warren Hastings.



# A P P E N D I X, N<sup>o</sup> 1.

Camp near Mirzapore, 17th August 1781. Half past 11 A. M. N<sup>o</sup> 22.

Honourable Sir,

I have this Instant received the Honour of your Commands of Yesterday's Date, from Benares, and conformable thereto shall, with the utmost Expedition, march the Detachment under my Command by the Route of Chunargur to Ramnagur, observing your Directions in every Respect, and otherwise acting to the best of my Judgment for the Good of the Service.

I have the Honour to be, Honourable Sir,  
To the Honourable Warren Hastings, Esquire, . With the greatest Respect,  
Governor General, &c. &c. Benares. Your most obedient humble Servant,  
James Mayasire, Captain.

Benares, 18th August 1781. 8 o'Clock P. M. N<sup>o</sup> 23.

To Captain Thomas Blair.

Sir,

The Governor directs you to keep in your present Situation until you receive further Orders from him, and that you will take Care that your Out Posts be alert, in case of an Attack from the Enemy.

I am, Sir,  
Your obedient humble Servant,  
W<sup>m</sup>. Palmer,  
Military Secretary.

Benares, 18th August 1781. N<sup>o</sup> 24.

To Lieutenant Colonel Blair, commanding at Chunargur.

Sir,

I have received Two Letters from you, dated Yesterday and To-day.

I have provided a Sum of Money for Captain Blair, and will take instant Means for furnishing you with a Sum for the Remainder of your Garrison.

I recommend to you to guard against a Surprise. I do not apprehend that the Rajah will attempt an open Attack upon the Fort or Town, nor is it at present necessary to lay in any Store of Provisions.

I request that you will send me a Return of the Troops under your Command, including Captain Blair's Battalion, and an Account of the Arrears of Pay due to them; and as it may become necessary to make a Provision of Victualling Stores for the Fort, I wish you to furnish me with a List of such Articles, and the Quantities of each, as you shall judge to be necessary.

I am, Sir,  
Your most obedient humble Servant,  
Warren Hastings.

Benares, 19th August 1781. N<sup>o</sup> 25.

To Captain Thomas Blair.

Sir,

On Receipt of this, it is my Order that you do immediately move your Detachment towards Ramnagur; and if you shall receive Intelligence from Baboo Offin Sing, which you will know to be authentic by comparing with the Impression of his Seal which I send you herewith, or if he shall in Person give you Intelligence, that you may enter the Town in Safety, and proceed to take Possession of the Palace, you will advance and take Possession, using every Precaution to avoid a Surprise. But unless you shall receive such Intelligence from him, or if you shall at the same Time have any Grounds to expect an Opposition, you will in either Case halt, and encamp in some open and secure Place without the Town; but on no Account enter it, unless you have every such Assurance as your own Judgment can rely upon, added to the Information of Baboo Offin Sing as above-mentioned, that you may proceed without Hazard of Hostilities, which it is my particular Desire to avoid, as the

A P P E N D I X, N<sup>o</sup> 1.

Rana and her Family are situated in the Neighbourhood, and must be exposed to the Consequences of it.

I am, Sir,  
Your most obedient Servant,  
Warren Hastings.

N<sup>o</sup> 26.

Benares, 19th August 1781.

To Captain Blair.

Sir,  
News is arrived that 2,000 Men belonging to Ram Juan Sing, had taken Possession of the Fort of Ramnagar, you are therefore desired to be on your Guard against Surprise.

I am, &c.  
Warren Hastings.

N<sup>o</sup> 27.

Benares, 20th August 1781.

To Lieutenant Colonel Blair, commanding at Chunar.

Sir,  
On Receipt of this you will please to order Four Six Pounders, from the Sixteen which were intended for Colonel Cummings, with Two Tumbrils of Ammunition; also the Ten and Eight Inch Mortars, accompanied by One hundred Shells for each, and double the Number of Fuzees, with the necessary Powder for that Number of Shells. These are to come by Water to Chuta Mirzapore, where the Troops are now under the Command of Captain Mayaffre.

Should the Mortars and their Apparatus not be ready to proceed immediately, they are not to prevent the Six Pounders, &c. &c. &c. being sent with all Expedition.

I am, &c.  
Warren Hastings.

N<sup>o</sup> 28.

Benares, 20th August 1781.

To Lieutenant Colonel Blair, commanding at Chunar.

Sir,  
I request that you will use your best Endeavours to obtain Intelligence of any Party of the Raja's Troops at Pateeta, or other Places at no greater Distance from Chunar; and if you should judge it practicable and safe, attempt to surprize and defeat them by a Party from your Garrison. A successful Attack, though trifling in itself, might produce favourable Consequences; but I would not have it made at any Risk of Miscarriage, and still less if there was the smallest Probability of Misfortune. I would be understood only to recommend the Matter to your Consideration. The Decision must be left to your own Judgment, formed upon an intimate Knowledge of all Circumstances.

A Budjerow having been stopped and plundered, and an European and several Dandies belonging to it murdered, by the Rajah's People at Ramnagar, you will be pleased to give Orders for preventing all Boats whatever passing the Limits of your Garrison, either up or down the River.

I am, Sir, &c.  
Warren Hastings.

N<sup>o</sup> 29.

Benares, 20th August 1781.

To Major Eaton, commanding at Buxar.

Sir,  
As it is apprehended that Raja Cheyt Sing's People, in the present State of Disobedience to Government, may seize and plunder any Boats which may come into his Districts, I desire you will not allow any Boats coming up the River to pass your Station.

I am, &c.  
Warren Hastings.

Benares,

# A P P E N D I X, N<sup>o</sup> i.

Benares, 20th August 1781. N<sup>o</sup> 30.  
5 P. M.

To Captain Thomas Blair.

Sir,

Various Accounts are arrived here of an Action between you and the Rajah's Troops. As there is no Occasion for you to risque a Misfortune whilst a Reinforcement is so near you, the Governor General orders that you remain on the defensive until joined by Captain Mayaffre.

I am, &c.

W<sup>m</sup> Palmer,

Military Secretary.

Benares, 20th August 1781. Half past 9 o'Clock. N<sup>o</sup> 31.

To Lieutenant Colonel Blair, commanding at Chunar.

Sir,

I desire you will order the Battalion of Sepoys now at Chunar to cross the River there, and march directly to this Place: You will please to furnish them with as much Ammunition as the Men's Pouches will contain.

I conclude that Captain Mayaffre's and Captain Blair's Corps have retreated to Chunar, as I have certain Intelligence of that Detachment being worsted in an Action with the Rajah's Troops. In this Case you will be able to spare me the whole Battalion, without leaving the Fort in any Danger; but at any Rate send me as many Troops as you possibly can spare.

I am, &c.

Warren Hastings.

Chunar Ghur, 17th August 1781. N<sup>o</sup> 32.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir

Your Letter of the 16th Instant at 9 o'Clock P. M. I received this Morning. I deferred answering it till such Time as my Battalion was furnished with new Arms, &c. from the Magazine in this Garrison, which I have the Pleasure to acquaint you was accomplished about Eleven o'Clock. I shall march out of the Garrison at Two o'Clock in the Afternoon, and encamp on the most convenient Spot between this and the Town of Ramnagur.

I have the Honour to be, &c.

Thomas Blair.

Camp near Mirzapore, 18th August 1781. N<sup>o</sup> 33.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

I herewith send you a Return of the Battalion under my Command. I take the Liberty to mention to you, that about 2 o'Clock this Morning several Elephants and a Guard of Horsemen passed near my Camp, on their Way to Lutteefpore, the Fort in which Rajah Cheyt Sing is at present. My Hircarrahs acquaint me, the Elephants were loaded with the most valuable Things the Rajah left behind him at Ramnagur. The Road to Lutteefpore is very near my present Encampment, and the Whole of this Morning several small Parties of Horsemen, Peons, and Hackries, have passed, said to belong to the different People who are joining the Rajah.

I have the Honour to be, &c.

Thomas Blair,

Captain,

Camp

N° 34.

Camp near Mirzapore, 19th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

I wrote you of my Arrival on the 17th Instant in the Evening, and Yesterday Morning I enclosed you a Return of my Battalion. As the Hircarrahs have not yet returned, I am doubtful of their having been able to reach you. Ram Jouaan, a Servant of the Rajah Cheyt Sing, is about Three Cofs from me, with something more than 2,000 Men and 4 Guns. I was informed of his intending me a Visit last Night: I was perfectly ready, and in Hopes of being able to have given a good Account of him and his Guns. A Party of his Horse came to a Village distant about Two Miles, and went off. This Morning One Howder Elephant, and less than 200 Horsemen, tolerably well mounted and armed, marched past in Front, distant about One and a Half Miles. I understand that the Town of Ramnagur is without Troops, and not more than 250 or 300 Men in the Rajah's House. Troops from the different Pergunnahs are joining Cheyt Sing at Lutteefpoor; he has formed a Camp on this Side of it, about Five Cofs from me. I shall be glad to receive your further Orders.

I have the Honour to be, &c.

Tho' Blair.

N° 35.

Camp near Mirzapore, 19th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

I am just now favoured with your Letter of this Date. From the Rajah's Troops being very near me, and passing some Part of them in my Sight, I have since Yesterday Evening taken Post in a Tope, which I have no Doubt of being able to defend against considerable Numbers. I beg you will be pleased to acquaint me whether I may attack any Parties of the Rajah's Troops which are passing near my Encampment. My Hircarrahs acquaint, that Ram Jouaan Sing is at Pateeta; that Callunder Sing, Nuncoo Sing, and Ball Kissen Hassarie, are in the Fort of Ramnagur, with their People, to the Number of 12 or 1,500 Men of various Kinds.

I have the Honour to be, &c.

(Signed) Tho' Blair.

N° 36.

Camp near Mirzapore, 19th August 1781.  
4 o'Clock Afternoon.

To Major William Palmer, Military Secretary to the Honourable Governor General.

Sir,

Your Letter of the 18th Instant at 8 P. M. was delivered to me about 12 o'Clock this Morning. I am much concerned that my Orders were so positive against proceeding to Ramnagur, as I have no Doubt but I should have been able to take Possession of it with very little Loss, if the Information I had was good, which I have Reason to think was to be depended on. About 10 o'Clock this Morning I was under Arms, and continued so till One, my Hircarrahs having brought me Information of the March of the Rajah's Troops from Addilkahaut: They were in Sight soon after. Some Horsemen advanced very near my most distant Centries, and went off; the Whole of the Enemy moved more to the Right, and passed my Front within a Mile. I at first expected his whole Force; but from my own Observations I think they may be 600 Cavalry, not very good, 2 Guns, 200 Sepoys, Matchlock Men, and some Peons. They would arrive at Ramnagur before 12 o'Clock.

I have since been informed that the Rajah would march from Lutteefpoor about 12 o'Clock for Ramnagur: If he does, I expect him to pass me about 6 o'Clock this Evening, before which Time I shall be under Arms.

I have the Honour to be, &c.

(Signed) Tho' Blair.

# A P P E N D I X, N° 1.

20th August 1781. N° 37.

To the Honourable Warren Hastings, Esquire.

Sir,

I have just received your Letter with Ossaun Sing's Seal. Captain Mayaffre joined me last Night. This Morning he marched to the Attack of Ramnagur, was opposed at his Entrance, obliged to retreat after considerable Loss. Captains Mayaffre and Doxat are killed; several Europeans; the Numbers of Sepoys killed and wounded are very considerable. After some Time we were with Difficulty able to reach the River, where we are surrounded; at present I cannot say what will be the Fate of the rest. Captain Sparks commands.

I have the Honour to be, &c.  
(Signed) Tho' Blair.

Chunargur, 20th August 1781. N° 38.  
past 7 P. M.

To the Honourable Warren Hastings, Esquire.

Sir,

I am just going to dispatch the Arms, under an Escort of about 100 Invalid Sepoys, Officers and Sepoys, by Land (for there was no Possibility of sending them by Water) when I received Information that there is a large Body of the Rajah's Troops on the opposite Side of the River, as also that Captain Mayaffre's Detachment has been repulsed: I therefore think it unsafe that they should move from this until I have your further Orders.

I have the Honour to be, &c.  
(Signed) W<sup>m</sup> Blair,  
Colonel, commanding at Chunargur.

Chunar, 21st August 1781. Half past 6 A. M. N° 39.

To the Honourable Warren Hastings, Esquire.

Sir,

As you seem to be unacquainted with the Misfortune that has happened to Captain Mayaffre's Detachment, as late as 9 o'Clock last Night, by the Two Letters which I have received of that Date, I am sorry to inform you, that they were beat out of the Town of Ramnagur with a very considerable Loss; Two Officers killed, Three wounded, Two Field Pieces and a Howitz lost. The Enemy pursued the Detachment as far as Chuta Mirzapore, and they arrived within Two Miles of this Fort last Night about 9 o'Clock. It has been a most unfortunate Business, and more rash and inconsiderate than any Thing I ever heard. Captain Blair, whom I have seen, says he told Captain Mayaffre every Thing that happened. If an Opportunity should offer of attacking any Parties of the Rajah's Force about the Distance of Pateeta, I will endeavour to surprize and defeat them; but I must proceed with great Caution, as the Enemy is at present flushed with Success, and the Battalion in Garrison is mostly composed of raw, undisciplined Men, who never fired a Shot. They have not less at this Time than 4,000 fighting Men at and about Pateeta. I have this Moment received your Letter at Half past Nine o'Clock, and shall dispatch the Battalion immediately, agreeable to your Orders.

I am, &c.  
(Signed) W<sup>m</sup> Blair.

21st August 1781. N° 40.

Purport of a Letter written by Raja Cheyt Sing to the Governor General at Benares, and intended to have been delivered on the Evening of the 21st of August, but not delivered.— This Draft of it was since made by Abdoola Beg, the Rajah's Vackeel, from his own Recollection of it, and delivered under his Seal to the Governor General.

I am with Heart and Soul the devoted Servant of the Sircar; nor have I, within my own Knowledge, committed any Fault: For Example, the Guard which came from the Sirkar, to that too I yielded, nor deviated in the Breadth of an Hair from Obedience and Submission to Authority.

SUP, SEL. COM. REP: II,

A a

In

# A P P E N D I X, N° 1.

In the mean Time, Chytam Chobdar came, and uttering improper Language, for that Cause the Men who attended me, who wanted Understanding, committed War and Bloodshed. At that Time I, through Fear of my Life and Honour, withdrew myself aside. Now also I have the Hope in your Favour and Mercy, that the Fault of your Servant may be pardoned, and that he may be honoured from the Presence, and all that I represented in the Pinnacle, I am ready to act conformably thereto.



N° 41.

Buxar, 19th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

On the 19th I was acquainted by the Dawk Hircarrah, that Cheyt Sing's Country was in Arms, that the Dawks are obstructed; and a Rumour also prevails here, that an Action happened at Benares between our Troops and Cheyt Sing's; and as no Dawk has arrived here from Benares the last Three Days, I am led to believe there is some Foundation for such Report: But as I have no further Advices that can be relied on, I am at a Loss how to conduct myself. I know not whether I should interfere to prevent his Subjects in my Neighbourhood assembling, for fear of offending against your Inclination, and being considered as the first Aggressor. I shall be happy if you will favour me with your Commands, which I shall be always proud to obey.

I have the Honour to be, &c.

Isaac Eaton.

N° 42. Substance of a Letter from Hurry Bedder, Nephew of Beneram Pundit, to Beneram Pundit; received at Chunar the 24th August 1781.

Lalla Buchorage and Cushmanere Mull are ready, and will assist to the utmost of their Ability: They require an Invitation from the Governor General, and will accompany Hyder Beg Cawn. I have the Lack ready to give it to Cantoo, but he is concealed. Lalla will accompany Hyder Beg Cawn, and carry the Money which he promises: I will come too and bring our Lack. Moonsthee Shereut Oola Cawn went Yesterday early to the Nabob. Four Chests of the Governor General's are come to our House, and his Bearer has brought me a Chest of Cloaths. The Noulary and other Incendiaries are carried away. I will receive and take Care of all the Governor's People that come to me.

N° 43.

Chunargur, 26th August 1781.

To Colonel Morgan.

Sir,

March hither with your whole Force, and send the enclosed to Colonel Cuming.

Warren Hastings.

N° 44.

Chunargur, 26th August 1781.

To Colonel Cuming: Enclosed in Colonel Morgan's.

Sir,

March immediately with your whole Detachment to Cawnpore, and remain there.

Yours, &c.

Warren Hastings.



Chunargur, 26th August 1781. N° 45.

To Major Moses Crawford.

Sir,

I wrote to you on the 23d Instant, to effect a Junction of your two Battalions, and proceed together to this Place. I now repeat that Order.

I am, &c.

Warren Hastings.

GENERAL ORDERS, 26th August 1781.

N° 46.

The Governor General having this Day received the Returns of all the Killed and Wounded in the late Attack upon the Town of Ramnagur, and circumstantial Reports from the proper Officers, finds the greatest Alleviation to his Sorrow for the unhappy Issue of that Event, in the Testimonies which those Reports exhibit of the Bravery and Firmness displayed by the Officers and Troops, both Europeans and Natives, after they were compelled to retire from the Town with so considerable a Loss. The Governor General remarks, with particular Satisfaction, the spirited and judicious Conduct of Captain Sparks and Captain Blair in effecting a Retreat; and to the latter Gentleman especially, without derogating in the least from the approved and acknowledged Merit of Captain Sparks, the highest Acknowledgments are due for the Skill and Resolution with which he extricated the Troops from their dangerous Situation in the Streets of Ramnagur, until their Junction with Captain Sparks's Battalion. The Governor General considers the Officers engaged in this unfortunate Action entitled to his warmest Thanks and Applause for their gallant Behaviour, and requests they will please to convey to the Troops under their Command, his entire Approbation of their Courage and Discipline; particularly to the Corps of Rangers, who so eminently distinguished themselves throughout the whole Attack and Retreat, and whose Loss, with his own, on the Death of their unfortunate Companions, he justly laments.

Camp Handea, 25 August 1781. N° 47.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

I have the Pleasure to inform you, that I arrived at this Place Yesterday Morning, and only wait for a Company, which I expect to join me every Moment, and shall march this Afternoon. I hope to reach Chunargur the 27th in the Forenoon, where I hope I shall find Boats ready for my crossing. My Reason for taking this Route rather than that you were pleased to direct, is, that Reports are circulated here, that you, the Gentlemen, and Troops, have left Benares and gone to Chunargur. I did myself the Pleasure of writing to you at Benares, but do not know whether you have received my Letter. I do not hear that any Bodies of the Rajah's Troops are within 20 Cofs of this Place. There is in the Villages a Number of the Zemindars and Ryots assembled. I have no Intelligence so far as Chunar; but if there should be any large Parties in the Roads, I hope you will honour me with the Information. My Detachment, when this Company joins me, will be about 420 Men, but we have nothing but bad Country-made Arms, One out of Ten of which is the utmost that will go off. I have Three Day's Dawks with me. It is reported here that there are Troops near Allahabad from Cawnpore marching this Way.

I have the Honour to be, &c.

9 o'Clock in the Morning.

T. Polhill,

Lieutenant.

Chunar, 26 August 1781. N° 48.

To Major James Crawford, commanding a Battalion at Chitra.

Sir,

I directed you on the 20th Instant to take Post with your whole Detachment on the Confines of Rotas, and as near as that Situation would admit to Bidzigur, to prevent all Communication between

# A P P E N D I X, N° 1.

tween us and the Rajah, first attending to your own Security ; and to obey all Orders from Major Popham. The above Orders I now repeat.

I am, &c.

Warren Hastings.

Chunar, 26th August 1781.

N° 49.

To Lieutenant Polhill.

Sir,

I have received your Letter. A Party from hence will cross the River this Evening to join you ; march in the Night ; be on your Guard. The Gawngwaurs, or Village People, may probably assemble, but cannot make any considerable Opposition.

I am, &c.

Warren Hastings.

Chunar, 26th August 1781.

N° 50.

To Major Eaton, commanding at Buxar.

Sir,

I have received this Instant Duplicate of your Letter of the 19th. Suppress any Commotion in your Neighbourhood, if you can effect it without Danger to your own Troops or Garrison. Let their Safety be your principal Care. Collect Provisions.

I am, &c.

Warren Hastings.

Chunargur, 27th August 1781.

N° 51.

To Lieutenant Polhill.

Sir,

Boats with Arms and Ammunition will cross the River for you immediately. If you find yourself strong enough, I could wish you to remain on the other Side ; if not, embark your Baggage, and prepare to follow it. I hear of no Parties sent against you.

I am, &c.

Warren Hastings.

Chunargur, 27th August 1781.

N° 52.

To Edward Wheeler, Esquire.

Sir,

I have written to you many Letters ; all probably intercepted. I arrived the 14th at Benares. On the 16th the Rajah having been put under Arrest, a numerous Body of armed Men suddenly crossed, attacked, and massacred the whole Party which had him in Custody, consisting of Lieutenants Stalker, Scott, and Symes, and Two Companies of Major Popham's Grenadier Sepoys ; these having no Ammunition fell without Resistance : The Raja escaped, and fled to Lutteefgur. On the 19th a large Force returned to Ramnagar. Captain Blair with his Battalion, and Captain Mayaffre with the Remainder of Major Popham's Detachment, were ordered to assemble for the Attack of that Place, and Major Popham to join and conduct the Operations, according to a concerted Plan. The Two Corps having joined, Captain Mayaffre, the Senior Officer, without waiting for Major Popham, and against Orders, on the Morning of the 20th marched precipitately into the narrow Streets of the Town ; where, in an Instant, he fell, with Captain Doxat and 33 Rangers, and almost all the Sepoys of Captain Blair's Battalion that had entered with him. The rest of the Detachment returned to Chunar, with the Loss of 2 Guns, 1 Howitz, and 103 Men of all Denominations killed. I was in Benares with the broken Remains of Major Popham's first Party, consisting of about 400 Men, in a Place incapable of Defence, even with equal Numbers. Preparations were making to attack me. I waited till the Evening for a Battalion ordered from Chunar to reinforce our Party. At Seven repeated Intelligence arrived that the Rajah's Boats were in Motion. No News had arrived of the Battalion from Chunar. The Resolution was instantly carried into Execution. We passed the Battalion, which returned and overtook us, and on the 22d at Day Break we gained the Banks of the

# A P P E N D I X, N<sup>o</sup> 1.

River opposite to Chunar, having met no Opposition. The Detachment crossed on the Morning of the 23d. The Rajah's Forces are divided between Ramnagar and Lutteespore; his Family is at Bidzigur; his fixed Establishment exceeds 10,000 Men; and all his Reliats bear Arms. Major Popham is encamped on the Plain East of the Fort. I expect to be joined by a Regiment from Cawnpore; one ordered for my Guard at Lucknow. Lieutenant Polhill, with Six Companies of the Nabob's Guard, now at Hand, and Major Moses Crawford's Regiment. My only Distress is the Want of Money, and is great. Bauboos Ouffan Sing, Durbijey Sing, and his Son Mchiphnarain, are with me.

I have the Honour to be, &c.

Warren Hastings.

Chunar, 28th August 1781.

N<sup>o</sup> 53.

To Major Moses Crawford, or to Lieutenant Colonel Ahmuty.

Sir,

I repeat, that if your Regiment has marched in Divisions, you immediately unite them, and march to this Place. You will meet with Opposition. Avoid Gauzipore and great Towns. Obey all Orders from Major Popham. If Major Crawford has not marched, I desire that Lieutenant Colonel Ahmuty will instantly dispatch him with his Regiment and Two Guns to this Place.

I am, &c.

Warren Hastings.

Chunar, 29th August 1781.

N<sup>o</sup> 54.

To Colonel Muir.

Sir,

The Treachery of Rajah Cheyt Sing has compelled me to retreat to this Place, where I wait to reduce this Zemindary; a Work, I trust, of no great Difficulty or Time.—I have received a Letter from you, mentioning that Mhadajee Scindia has offered Terms of Peace; I hereby give you full Powers, in the Name of the Governor General and Council, to conclude a Treaty with him, on the following Instructions.—I have sent you Credentials in Form; I do not repeat them in this on account of the Dangers of the Road; but in case of their Miscarriage, this Letter must serve in their Stead: act accordingly, and I will ratify it.—Agree with him either for an Alliance of mutual Defence or for Neutrality.—If he desires to include the Peshwa, you may agree to a Treaty of Peace with the Peshwa, and an Alliance against Hyder Ally Cawn, and all common Enemies, or of Peace simply on the Conditions of restoring all that we have acquired during the War, except Ahmedabad and the Territory conquered for Rajah Futty Sing Guicowar, and the Forts of Gwalior, and Fort and Territory of Lahar; that we will never assist Ragonaut Row, nor interfere in his Concerns, nor admit him into our Forts and Factories; but we will not deliver him into the Hands of any one. Let a Time be allowed him to repair to a Place of Security. We will yield what is ours, and what we can in Honour grant; but we will never suffer our Treaties to be infringed, nor our Faith to be violated. Preserve for us Bassein if you can, even if it should be necessary to yield in Exchange for it all the Lands obtained by the Treaty with Colonel Upton, except Salsette and the other ceded Islands, and the ceded Moiety of Baroach; But do not insist on the Preservation of Bassein to the Hindrance of Peace. We want nothing from them but their Alliance against Hyder Ally Cawn, and that we dispense with.—Be careful that the Agreement do not contain any thing hostile to the Government of Berar, or hurtful to our Connection with it.—Obtain the Restoration of the Chundery Rajah, and secure, as far as you may have Means, the Interests of the Rajah of Nurwar, and any other Chiefs who have been active in our Cause.—Include the Rana of Ghode and Futteh Sing Guicowar in the Peace.—To prevent future Provocations of Hostility, let it be agreed to exclude the French, and all other European Nations, from the Ports and Dominions of the Marattas. If a Treaty has already taken place between General Goddard and the Maratta State, the present Treaty must in such Case be void; but you may assure Scindia, that no Peace can or shall be made to his Prejudice. Send, if you think proper, a confidential Person to Madajee Scindia. If he will engage on the above Terms, he must conclude them now: I am making my final Arrangements, and if the Time is lost, a Treaty with him may be for ever precluded by them. Obviate any Conclusions which he may draw from the present Scene. It regards myself personally, and myself at this Time but little—Cheyt Sing, by the sudden Massacre of some of the Sepoys of my Guard, which diminished it to the small Number of 400 Men, shut up with me in the close Suburbs of Benares, might have effected my Destruction. I escaped the Danger, and Troops are assembling daily, to which he can afford no Opposition.—While the Effect of these Instructions is passing to Scindia, the Rajah's total Exclusion ought to be accomplished.—I hope it will.

SUP. SEL. COM. REP. II.

I am, &c.

Warren Hastings.

B b

L. the

# A P P E N D I X, N<sup>o</sup> 1.

I, the Governor General of the Provinces of Bengal, &c. &c. having received full Powers and Authority from the Governor General and Council of the said Provinces, and relying on your Fidelity, Prudence, Integrity, and Circumspection, have directed and appointed you to be the public Minister of the Governor General and Council aforesaid, to treat with Madajee Scindia, or any Person by him deputed for that Purpose; and I hereby delegate to you full Powers and Authority to act in that Capacity, according to the Instructions which I have given you for that Purpose.—Given at Chunar, under my Hand and Seal, this 29th Day of August 1781.

(Signed) Warren Hastings.

N<sup>o</sup> 55.

Chunargur, 29th August 1781.

To Major James Crawford.

Sir,  
Understanding that a Man, named Doonea Sing, has a Claim to Part of the Zemindarry of Bidzigur, and is capable of raising a considerable Body of Men. I have written to him to join, and afford you every Assistance in his Power, and I shall enclose to him this Letter, to serve as an Introduction to you.

I am, &c.  
Warren Hastings.

A Letter of the same Date sent to Duljeit Sing, and another to Pertiput Sing.

N<sup>o</sup> 56.

Chunar, 30th August 1781.

To Colonel James Morgan.

A Copy of the Orders sent to Colonel Morgan on the 25th August, inserted before the following. (Vide N<sup>o</sup> 18.)

I repeat the above Orders, and request that you will use the utmost Diligence to dispatch the Regiment of Sepoys and Artillery Men; you may follow with your Brigade at more Leisure. If you can dispose of your Artillery in Safety, you will need no more than may be required for the March, as here is Abundance; nor will you meet with much, if any, Opposition.

I am, &c.  
Warren Hastings.

N<sup>o</sup> 57.

Buxar, 31st August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

I have been favoured with your Letter of the 23d Instant, and have the Pleasure to inform you of my Arrival at this Place, on the Morning of the 26th, with the 2d Battalion of my Regiment. The Information I received on my Arrival here, of a large Force being assembled at Zammaniah, Gauzipore, &c. to obstruct my March, determined me, with the Advice of Major Eaton, to proceed no further, till being joined by the 1st Battalion of my Regiment, which I am happy in informing you joined me here at 2 o'Clock, P. M. this Day, after a March of 14 Cos. As a Number of the Men, and most of the Cattle of the Battalion, which To-day are much fatigued and lame with forced Marches, I shall be under the Necessity of halting them To-morrow; but next Day I will assuredly march, and lose no Time in joining at Chunargur. You may rely, Sir, on my informing you as frequently as possible of my Progress and Situation. I propose marching up on the Ramnagur Side of the River, to evade repeated Crossing, more especially as it is uncertain whether I should be able to procure Boats for crossing the Gumpy.

I have the Honour to be, &c.

M. Crawford,  
Major, 28th Regiment of Sepoys.

3 o'Clock

# A P P E N D I X, N° 1.

3 o'Clock, Afternoon.  
31st August 1781.

N° 58.

To the Honourable Warren Hastings, Esquire.

Honourable Sir,

I have the Pleasure to acquaint you, that I am returned with my Detachment to my Encampment opposite the Fort, having sent all the Grain I could find in the Villages to Colonel Blair.

I am, &c.

(Signed) T. Polhill.

Lucknow, 28th August 1781.

N° 59.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

About the Month of November last I communicated to Mr. Markham the Substance of a Conversation, said to have passed between Raja Cheyt Sing and Saadit Ally, and which was reported to me by a Person on whom I had some Confidence; the Mode of communicating this Intelligence to you I left entirely to Mr. Markham.

In this Conversation, which was private, the Raja and Saadit Ally were said to have talked of Hyder Ally's Victory over Colonel Baillie's Detachment, to have agreed, that they ought to seize this Opportunity of consulting their own Interests, and to have determined to watch the Success of Hyder's Arms. Some Days after this Conversation was said to have happened, I was informed, by the same Person, that the Rajah had received a Message from one of the Begums at Phyzabad (I think it was from Suja-ul-Dowlah's Widow) advising him not to comply with the Demands of Government, and encouraging him to expect Support in case of his resisting. This also I believe I communicated to Mr. Markham; but not being perfectly certain, I now think it my Duty to remove the Possibility of your remaining unacquainted with a Circumstance which may not be unconnected with the present Conduct of the Rajah.

I am, &c.

(Signed) Francis Balfour.

Chunar, 31st August 1781.

N° 60

To Edward Wheler, Esquire.

Sir,

Enclosed are Copies of Two Letters, which I have had the Honour to write to you; the first, in Duplicate from Benares, and the last, from this Place. I doubt the Possibility of the first having escaped the Vigilance of the People who are stationed in every Part of the Zemindary to intercept my Letters. For the Conveyance of this Packet, I shall trust to a light Boat, which, with a strong West Wind aiding the Rapidity of the Stream, will certainly pass without Interruption, if the Fears of the Dandies do not urge them to quit the Boat. In the inclosed Letters you will receive a connected Relation of the Events which had befallen me to the 27th Instant, though purposely abbreviated in the last, for the safer Means of Conveyance.

The Arrival of Lieutenant Polhill, whose Activity cannot be too much applauded, has proved of very great Service in freeing our Communication with the opposite Shore. Our greatest Distress has been in the Want of Money and Provisions; the latter has been effectually removed, and with it the former in a Degree, by the Seizure of a large Store of Grain made by Lieutenant Polhill Yesterday Morning, in a Village about Three Miles distant, Information having been given me of it the preceding Evening. He was opposed by a considerable Body of the Enemy, reported to consist of about 150 Horse, Two Companies of Sepoys, and more than 2,000 Matchlock Men, and Gawars or armed Villagers, but were repulsed and dispersed with some Loss on their Side: On our's none. The Quantity of Grain secured is estimated at 5,000 Maunds, which in our Situation is a most important Acquisition, as we have every Reason to apprehend a total Failure of our Supplies, when the Troops of this Place are reduced, as they soon must be, to the Complement of the Garrison. Numbers are yet assembling to reinforce the defeated Party of the Enemy, and they have been strengthened by Four Guns from Ramnagur, with the professed Determination of making One more Effort.

I have received no Answer to the Letters which I have diversly and repeatedly written to Colonel Morgan,

Morgan, to Mr. Middleton, to Lieutenant Colonel Ahmuty, and to Major James Crawford, to whom it escaped me in my last to inform you that I had sent Orders to march to the Borders of Bidgigur; but I have received a Letter from Colonel Morgan, written with a Knowledge of the late Events, and cannot doubt that his Prudence will dictate to him the obvious Necessity, on an Occasion of such Emergency, of sending a Party to my Relief, without waiting for the Formality of Orders, which he will know can with Difficulty reach him. I have Accounts, which I trust to as authentic, that Major Moses Crawford with his Regiment is on the Way; and my later Letters to Mr. Middleton have been safely passed beyond the Borders of this Zemindary. Upon the Whole, I can venture to assure you, that my Situation is actually such as, with the Reservation of that Influence which under every Circumstance must be allowed to Fortune in the Events attendant on a State of Warfare, will warrant the Expectation of an easy and compleat Success.

Major Popham continues encamped on the Plain lying to the Eastward of the Fort, where he will be strengthened by all the Men that can be spared from this Garrison; and as soon as the Preparations are compleated for that Service, he will march to the Attack of Ramnagur.

In the mean Time I have not been inattentive to our more remote Concerns, which I shall reserve for a future Detail, and more secure Conveyance.

The Rajah's Situation, and the Disposition of his Forces, except the Detachment which is opposed to Lieutenant Polhill, is much the same as they have been described in my last.

Hyder Beg Cawn has been some Time arrived at Benares, but prevented from joining me by the Destruction of the Bridges laid over the Barna Nulla, on the Lower Bank of which he is encamped, and by the sudden great Swell of the Water, which has rendered it unfordable. Yet I expect him soon, and his Presence will afford me material Service.

I have ordered to be inclosed Copies of Major Popham's Return of the Loss sustained in the Massacre of the 16th; of a Letter which has been written to me by Captain Sparks, and the Returns accompanying it, of the Killed and Wounded in the Attack of Ramnagur on the 20th of August; and a Letter from Captain Blair, containing the Particulars of that ill-fated Enterprize; also a List of the Gentlemen who were with me in Benares on the 21st, and who accompanied me to Chunar.

I cannot close this Letter without testifying my Satisfaction with Lieutenant Colonel Blair, for his Zeal and Attention, and the Alacrity with which he executed the Orders sent to him for the different Movements of the Detachments from his small Garrison; and my entire Reliance on the steady Conduct and approved Experience of Major Popham. My Regrets for the past are personal. I shall ever retain the painful Remembrance of that Scene of Blood, of which I have been too near a Spectator, and which no future Return of Prosperity can ever efface from my Mind; but in the Prospect before me, I think I have every Reason to expect the happiest Termination of it, in the Extension of the Powers and Influence of the Company; and that the past Example may contribute to the Permanency of both, by prompting us to guard against the secret Growth of the like Evil which has produced it.

I am, &c.

Warren Hastings.

N<sup>o</sup> 61.

Chunar, 1st September 1781.

To Colonel Morgan,

Sir,

I repeat—Send immediately a Regiment of Sepoys to this Place, with 30 Artillery Men, Officers in Proportion, and One of Experience to command them. Follow with your whole Force. You will not have Occasion for Artillery, if you can dispose of it in Safety. Here is Abundance.

I am, &c.

Warren Hastings.

N. B. With this Letter were sent Colonel Muir's Credentials, and his Instructions in Duplicate 1st September. On the same Day Duplicates of Colonel Morgan's Letters, and Triplicate of Colonel Muir's; and on the same Day Triplicate of Colonel Morgan's last Letter; and another Letter to Colonel Muir, with Instructions copied from the First Part, with an additional Paragraph, authorizing him to treat without Credentials. All the latter Dispatch inclosed in One Quill.

N<sup>o</sup> 62.

Camp, 3d September 1781.

To the Honourable Warren Hastings, Esquire, Governor General.

Sir,

I have the Honour to congratulate you on the Success which Captain Blair has this Morning met with.



## A P P E N D I X, N<sup>o</sup> 1:

with. I shall do myself the Pleasure of waiting on you, as soon as the Detachment returns to Camp, which I expect in Half an Hour or so.

What I gather of this Business is, that our People advanced under a severe Fire at first, but the Enemy soon gave way, and left us Three of their Guns; One of those is the Gun that Captain Mayastre lost. Mr. Murray and Four Europeans are scorched by the Explosion of a Gun Cartridge, and several Sepoys killed and wounded.

I have the Honour to be, &c.  
(Signed) W<sup>m</sup> Popham.

The inclosed is just come to Hand. It was a short Account from Captain Blair of the Success of the Day.

Camp near Chunar, 4th September 1781. N<sup>o</sup> 63:

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Sir,

The 3d Instant at Night, Major Popham did me the Honour of mentioning his Wish of surprizing the Enemy, then encamped near Petitaw, with an Offer to me of commanding the Party which was to perform that Service. I most gladly accepted it; and at One o'Clock in the Morning marched off with the greater Part of my own Battalion, the Grenadiers of the 35th Regiment, in all about Five hundred and Fifty Men, and Two Six Pounders. I took my Route by the Left of our present Encampment, to avoid their Out Posts, which I was so fortunate to pass unobserved, and expected to have arrived by the first Appearance of Day Light, but was retarded in my March by the Badness of the Gun Bullocks and Drivers. The Enemy were first alarmed by some Firing on the West Side of Chunar; nearly at the same Time they must have received Information of my March and Intentions, for I found them regularly drawn up on an extensive Plain, more than a Mile to the Eastward of their former Station, in Numbers about Four thousand, including Four hundred Cavalry tolerably well mounted, and Six Pieces of Ordnance. They commenced the Cannonade about Five o'Clock in the Morning, distant about Three Quarters of a Mile. I continued to advance, and so soon as our Round Shot would take Effect, I fired upon the Line, and continued doing both; their Infantry and Artillery firing very smartly, and their Cavalry hovering round us, which was deterred from charging our Line by a Shot from our Guns now and then. The Fire of our Artillery and Sepoys, which was very quick, obliged their Infantry to fall back. To get Possession of their Guns, was indispensably necessary at this critical Moment. Convinced of it, I ordered the Whole of the Grenadiers to advance for that Purpose; which they did with such Impetuosity as overcame all Opposition; and seized Two Guns, which were immediately turned upon the Enemy. The Grenadiers were led on by Lieutenants Fallow, Birrell, and Murray: I must beg Leave to mention them in the warmest Manner, for their gallant, steady Conduct. The Enemy began to give way in every Part: Immediately after a very smart Fire from all the Guns and Line compleated our Success. About Six, or a little after, the Enemy observed no Regularity, every Man appeared to be guided by his own Fears, and ran away to the Town and Fort of Petitaw, which was in the Rear of their left Flank. Another Gun was about this Time taken, by a Party which I detached for that Purpose. In another Part One of the Enemy's Standards was taken, and soon after a Fourth Gun. Our Guns were well pointed and served by Lieutenant Baillie, the Officer of Artillery, to whom I am much obliged for his Activity and Conduct during the Whole of the Action.

Taken from the Enemy: Four Brass Guns, with Litubers and Tumbrils, with a very large Quantity of Ammunition of every Kind, and of the very best Materials; One of each Sort I have taken the Liberty of sending for your Inspection.—It appears evident to me, from the Quantity and Quality, to have been all prepared long before your Arrival at Benares, and at a very considerable Expence, Part of it being European Materials. I was under the Necessity of blowing up a Tumbril, and Two Limber Boxes full of Ammunition, a large Quantity of Powder, and leaving upwards of 1,500 Round Shots, and One Gun shotted and spiked, for want of any Means to bring them off.

Three Brass Guns, One Tumbril, and One Limber Box of Ammunition, I brought with me. The Sepoys offered their Services to drag them, which I thankfully accepted, and made them a small Recompence for their Readiness.

I now collected my wounded Men, which was very considerable, and much dispersed, occasioned by the Distance I had advanced. I provided them with Palankeens, Officers Horses, Doolies, and every Thing which could be collected. Mr. Laird, the Surgeon, was very diligent and active in giving his Assistance on this Occasion, as well as during the Action. About Eight o'Clock I was joined by Lieutenant Wade and Malcolm, with One Gun, the Rangers, and One Hundred Sepoys; the Rangers made an Offer of dragging the Enemy's Gun, which I accepted, and employed them with the Sepoys, who had before made the like Application, and were much fatigued.

Having accomplished the Service, and I believe the Intention of my being detached, though I

# A P P E N D I X, N° 1.

could not surprize the Enemy's Camp, owing to their early Intelligence, I judged it most proper to return to our present Station; which I did, the Enemy not chusing to give me any further Trouble. I take the Liberty of mentioning Lieutenant Birrell's Conduct, during the Whole of the Action, as deserving the highest Praise from me; also every Officer and Soldier I had the Honour of commanding.

I have the Honour to be, &c.  
Thomas Blair.

N° 64.

Allahabad, Saturday Night, 4th September 1781.

To Lieutenant Colonel Blair, commanding at Chunar.

Dear Sir,

I wrote to you by an Hircarrah sent this Morning. I am most happy to inform you, that the Troops I expect To-morrow, and I will take Care to have Provisions ready for the Europeans, that no Delay may be occasioned. The first Information that Colonel Morgan had of your Want of Troops, was from a Letter I sent, which I am happy to find hastened Matters. The Bearer has a Letter from Colonel Morgan to the Governor. As every Endeavour on my Part has been exerted, so shall it be continued; and I shall be most happy if my Situation can be rendered in the smallest Degree serviceable.—All quiet.

Believe me, &c.  
J. P. Pigot.

N° 65.

Chunar, 4th September 1781.

To Major Moses Crawford.

Sir,

Unite your Force.—If you have no Guns, do not hazard an Engagement, but take Post, and advise me where you are, and Major Popham will march to support you. Write where you are, and your intended Route.

I am, &c.  
Warren Hastings.

N° 66.

Chunargur, 4th September 1781.

To Colonel Morgan.

Sir,

Once more I write, and order that you instantly detach a Regiment of Sepoys to this Place, with 30 Artillery, and Officers in proportion.—Lose no Time.—Follow with the rest of your Forces.—Leave your Artillery and Stores, if you can in Safety: Here is Abundance, and you will meet no Enemy in the Way. Colonel Cumming will take your Station.—Answer me in this Compass.—Give the Bearer 50 Rupees.

I am, &c.  
Warren Hastings.

P. S. Yesterday we defeated the Enemy with great Slaughter, and took 4 Guns, Tumbrils, &c. but we cannot afford even another Victory with our small Force.

N° 67.

Huffaupore, 29th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

My dear Sir,

I am this Instant favoured with your's of the 24th, and I Yesterday received your public Letter of the 23d. The Cawnpore Regiment is arrived at Lucknow, and by To-morrow will, I have no Doubt, be on its March, with a Lack of Rupees, to join you. Provisions will also be sent you daily from

# A P P E N D I X, N<sup>o</sup> 1.

from Allahabad. The Nabob will move towards you immediately. No Persuasions will induce him to return to Lucknow. On this Subject I have written fully to Johnson. I have received no Letters from you but the above Two mentioned. We shall be near you in Eight Days.

My dear Sir, &c.

(Signed) Nath. Middleton.

Chuhargur, 4th Sept. 1781.

N<sup>o</sup> 68.

To Edward Wheler, Esquire.

Sir,

Yesterday Morning Major Popham detached Captain Blair with his Battalion, and Two Companies of his own Grenadiers, and Two Guns (6 Pounders) to attack the Enemy, collected at Pateeta. They were prepared to receive him, and made a very spirited Resistance. After a very severe Action, the Fortune of the Day was happily turned in our Favour, by a bold but well-judged Manœuvre. Captain Blair detached his Two Grenadier Companies to attack Two Guns which were posted on the Flank, and galled his Troops exceedingly. The Attack succeeded, and the Two Guns were turned upon the Enemy, who were soon after totally routed. Captain Blair brought off Three of their Guns, and spiked the Fourth, the Carriage of which was disabled. He brought away also One of their Tumbrils, and all his own loaded with their Ammunition. Three more of their Tumbrils, with much loose Powder, were blown up on the Field. Captain Blair having no Means of bringing them away, he was obliged to leave about 1,500 of their Shot piled in a Village. The Enemy's Numbers are reputed 8 or 9,000 Men; Captain Blair judges them from Appearance to be only 3 or 4,000. They were their prime Men; our Loss, which I add with Regret, exceeds 105 Men killed and wounded; theirs must be proportionably more, though unknown. It is remarkable, that the Enemy's Artillery and Cartridges made at Ramnagur are almost equal to ours; their Cartridges and Portfires compounded with equal Skill, and their Powder much better. This is the Second Instance in which the Service is signally indebted to the collected and intrepid Gallantry of Captain Blair. Other Praises are due, which cannot be noticed in this.

I am, &c.

Warren Hastings.

N. B. Sent in Duplicate by Two Men of Lieutenant Polhill's, in the Evening of the 4th September, and in Triplicate on the 8th.

Cawnpore, 29th August 1781.

N<sup>o</sup> 69.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

The unusual Failure of Intelligence from you, and the Reports which are brought to me from the Natives being fraught with alarming Accounts of your Situation, have determined me to detach immediately Two Regiments of Sepoys, 40 European Artillery Men, with Four Guns, and One Howitz, with Orders to proceed with all Expedition to join you; and the Officer commanding the Detachment has Orders to pursue such Measures, and make such Movements, as he shall deem expedient, according to his Intelligence, for effecting that Service. They will set off on Saturday next, September the 1st. The Artillery, for the Sake of Expedition, is to go down by Water to Allahabad, where it is to wait for the Arrival of the Sepoys. I shall immediately order Three Battalions from the Detachment at Kalpy to march to this Station, and One Battalion under Major Gilpin will be left for the Protection of that Place. A fresh Supply of Ammunition has been dispatched to Lucknow for Major Roberts's Regiment.—Though I cannot but imagine, that were your Situation any ways critical or dangerous, and you stood in need of Military Force to assist you, I should have remained so long without receiving Orders from you to send Troops down; yet I doubt not but the Step I have taken will obtain your Approbation, as there is a Possibility of your Orders having miscarried, and the Consequence of a Delay, in such Case, might prove serious and dangerous.—I shall order the Regiment of my Brigade that is now at Futty Ghur, to march down to this Station as soon as possible.—As the quick Arrival of this Letter to your Hands is promised to be rewarded by you, or the Officer who receives it, I beg Leave to request that you may be pleased to order the Sepoys and Boatmen such Rewards, honorary or pecuniary, as you may think equal to the Merit of their Service.

I have the Honour to be, &c.

James Morgan, (Colonel).

Cawnpore.

# A P P E N D I X, N° 1.

N° 70.

Cawnpore, 30th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

Since I inclosed the accompanying Duplicate, I have received a Letter from Lieutenant Pigott, at Allahabad, covering a Note from Colonel Blair, to communicate your Orders to an Officer commanding a Detachment proceeding from Cawnpore to Benares by Water; and Lieutenant Pigott has sent Three Copies of it, that have since arrived. His Care and Attention I must beg Leave to recommend here, as from these I received the first authentic Intelligence of your being in want of Troops to assist you; and as by the Words of Colonel Blair's Note, it appears that you had dispatched Orders to me for sending a Detachment of Troops down to Benares; but these Orders have never reached me, and I am now at a Loss to know what Strength you wished the Detachment. To-day, Part of the Detachment I send down to you under the Command of Major Crabb will embark, and To-morrow the Whole will set off: It consists of a Party of Artillery under Captain Hill, the Two Flank Companies of the European Regiment, and Two Regiments of Sepoys, with Four 6 Pounders and One Howitz; Tumbrils, Ammunition, Draft, and Carriage Cattle. All will proceed by Water, but no more Boats can be procured here.

I have the Honour to be, &c.

James Morgan,  
Colonel.

N. B. The Bearer is highly deserving a good Reward.

N° 71.

Buxar, 30th August 1781.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

I have forwarded you Six Letters by different Dispatches; but as I have not yet been honoured with your Instructions, and am daily receiving Reports of the Situation of Affairs towards Chunar, I am fearful of their having miscarried, and more so from the Disaffection which seems to prevail in this Part of the Country, and particularly in the Pergunnah of Sarrijah, where the Inhabitants are assembling in a small Fort, and rendering themselves as formidable as the Situation will admit. Aware of the Consequences which might attend their Measures, I wrote a Letter to the Aumils Amur Sing and Ooden Sing, to require their Reasons for this Appearance of Hostility; but their Answer was evasive from the Subject I addressed them on, and tinged with Insolence. Such Steps therefore as I deemed necessary for the Defence and Protection of this Place, I have been studiously attentive to, and am now providing a Magazine of Provisions for the Expence of the Garrison in case of an Attack, which, from the Information of my Hircarrahs, I find myself threatened with. For Assistance in this Particular I applied to Bickra Munjeet, Phouzdar of Budgepore; but though his Professions are tendered with all the Warmth of Sincerity, his Conduct, and Connection with Bucket Sing, induces me to think him but little attached to the Interests of our Government, and I have been therefore necessitated to make further Application to Mr. Green at Chuprah.—The Numbers of Troops detached on Command from this Station, reduces my Force to 368 Rank and File, including the contiguous Out Guards and the Sick; and I am further deficient in an Establishment to work the Ordnance of the Garrison.—The several Dawks arrived at this Station shall be forwarded under Charge of Major Crawford.

I have the Honour to be, &c.

Isaac Eaton, Major.

N° 72.

The Two following Letters were sent from Ramnagur, by Teekchund, to Gobind Ram Pundit at Benares, and delivered to the Governor General by Beneram Pundit, on the 5th September 1781.

Translation of an Arzee from Rajah Cheyt Sing to the Honourable Governor General.

When I waited upon your Highness in your Pinnacle, I represented to you every Thing which was proper to be represented; that my Life, my Country, and Property belonged to your Highness; requesting

# A P P E N D I X, N<sup>o</sup> 1.

requesting that you should order whatever was your Pleasure, and that I was ready to obey it with Pleasure. I besides performed all the Duties of Obedience and Humility, and represented all the Particulars with a View to the present Time; for I well knew, that as soon as Oossaun Sing should be introduced to your Highness, Mr. Markham and the Molavies, &c. having settled this Plan, would make you conceive Displeasure against me. At that Time your Highness answered, that you had no Business with my Life or Property; that you had not given Admission to Oossaun Sing, or any of his People; that you had no Connection with any of my Relations: What Crime did I afterwards commit, that, by the Advice of my Enemies, you should resolve to confine me with such Disgrace? However, I remained till Evening in Confinement, and behaved in no Instance otherwise than with the greatest Humility and Obedience.—I addressed several Arzies, expressing my Readiness to obey your Orders; and that I was your Slave, and was ready with my Life and Property.—Observe, that Cheyt Ram Chubdar came to me, and reviled me, and with a loud Voice gave both me and my People the vilest Abuse. The People of the Sirkar first fired Balls from their Guns, and discharged their Muskets; immediately the Tumult arose, and, notwithstanding my most earnest Request for them to desist, no one would hear me. Myself, after being wounded by a Sword in the Hand of the Captain, escaped with Life from that imminent Danger, and sat down in a Corner. If you will examine with an Eye of Justice, and not listen to Tale-bearers and Informers, you will find no Crime in me; and your Mind, which is the Mirror of the World, will I am certain approve of it.—I have before addressed Arzies to you, but have not yet been honoured with an Answer.—Oossaun Sing has not yet ceased from ruining the Affairs.—Should now my Life and Honour be left to me, I am your Slave.—Beneram Pundit will have represented my Situation to you and will continue to do so.

Translation of a Letter from Raja Cheyt Sing to Beneram Pundit.

N<sup>o</sup> 73.

I formerly wrote all Particulars of my State to you at Calcutta, that you might explain them fully to his Highness the Nabob. When his Highness came to this Quarter, I repeated every Thing to him on board his Pinnace: That I was in every Instance ready, that my Life, Country, and Property belonged to him, and should do whatever he wished. To this he replied, that he had nothing to do with my Country, Property, or Life. A Day or two after he sent a Battalion to Shewallan, with Mr. Markham and Three other Gentlemen; and put me into Confinement; he likewise sent Guns. Notwithstanding this I made no Opposition, and remained confined till Evening. I addressed an Arzee to the Governor, that I should make no Opposition, and that he might do with me whatever he liked. This however did not meet with his Approbation. Cheyt Ram Chubdar came to me, and gave the vilest Abuse to me and my People; they then fired their Guns and discharged their Muskets. In this Instant I most earnestly requested them to desist; but upon the Captain's striking me with his Sword, the Tumult commenced; I myself having escaped with Life, remained at a Distance, when Battalions and Guns, sent from the Fort of Chunar, arrived at the Town of Ramnagur. My People, for the Protection of their Honour and Credit, defended themselves.—As my Honour is bestowed on me by the Nabob, I have therefore addressed an Arzee to his Presence, which you will present, and procure a speedy Answer.

Lutteespoor, Tuesday 5th September 1781.

N<sup>o</sup> 74.

Honourable Sir,

The Relation of the unlucky Accident which prevented my going to Chunar, and the Distresses I have suffered since, I shall forbear mentioning till I have the Honour and Happiness of seeing you; will only briefly acquaint you, that the Rajah having discovered the Place of my Concealment, at the House of Gopaul Doss, he sent a Number of his People Yesterday to take Charge of me, and I am now with him at Lutteespoor.

Pardon me, Sir, and do not impute it to any presumptuous Liberty if, at the Rajah's humble and earnest Entreaty, I propose, on his Part, Terms of Conciliation and Submission: He solemnly declares that the Misfortunes resulting from the late Event were contrary to his Wish and Intent, his Disposition ever leading him to live in Peace and Friendship with the English Nation, and to pay implicit Obedience to your Commands. The Rajah desires me to say, that he is disposed to pay the Honourable Company the customary Tribute, and any other Demands you may in Reason make upon him. To this you will please to reply, as the Exigency of our Situation and your superior Wisdom may suggest.

I assure you, Sir, that though I am now in the Rajah's Power, and cannot avoid repeating to you what he has requested, I have taken up my Pen with Fear and Trembling, lest any Thing I have said should give you Displeasure; for I am conscious of my Inferiority, and scarce dare entertain a Hope that any Thing that comes conveyed through me will be attended to; but I confide in the

SUP. SEL. COM. REP. II.

D d

Goodness

# A P P E N D I X, N<sup>o</sup> 1.

Goodness of your Heart, and the bare Possibility of being instrumental in the putting an End to our present Troubles, mitigates all our Fears.

You will perceive my present distressed Situation, and pardon every Impropriety and Inaccuracy in this Letter; and believe me to be, &c.

(Signed) Jacob Barnet.

September 6th 1781.

To the Nabob Vizier.

N<sup>o</sup> 75.

I was made happy by the Receipt of your Excellency's Two Letters, accompanied by Mr. Middleton's, acquainting me that you have advanced some Days Journey from Lucknow, and arrived at Peepulpoor, and that you would proceed from thence towards this Place, where you would soon arrive. Before this I wrote to your Excellency, requesting that you would lay aside your Intention of coming here, and return to Lucknow, that you might not suffer any Inconvenience on the Road, from the rebellious Disposition of Cheyt Sing's People; and that I, having settled these Matters, would proceed to an Interview with your Excellency; and that you ought by no Means to think of coming to this Quarter. But as I learn that notwithstanding this your Excellency is resolved on coming to my Assistance, I am filled with the highest Gratitude for so noble a Proof of your Friendship. It is now incumbent on your Prudence and Circumspection that you advance with the greatest Caution, to prevent any Inconvenience from the Treachery of Cheyt Sing's People. As soon as I am informed of your Excellency's Approach to Chunar, I will cross the River with as many Troops as I have with me, and will proceed to meet you. Three Days ago Major Popham, with a small Part of his Detachment, attacked a large Force of Cheyt Sing's Entrenchment near the Fort of Pateeta, defeated them completely, and took Four Guns, several Tumbrils of Ammunition, and a considerable Quantity of all Sorts of Military Stores. I beg Leave to congratulate your Excellency on this signal Success.

Dated the 21st Ramgaun.

N<sup>o</sup> 76.

From Cheyt Sing to the Governor General,

Before this the Arzees which I have repeatedly addressed to your Presence will have been perused by you, but to this Time I have not been honoured with an Answer to any one of them. I am in every Way ready in my Allegiance and Duty, and have obeyed all your Highness's Orders, and never have I been negligent in any one Point; and your Highness, from your Goodness and Justice, has always been pleased to protect and support your own Slave, and to shew him Favour. All this Time, when from the unfortunate State of the Times the Reports of self-interested Persons have met with Reception at the Presence, I humbly represent that the Words of evil-minded, self-interested Persons be not attended to; but that your Highness, looking upon me as a Slave raised by yourself, will be favourable towards me, because I am your Slave, and am ready in my Duty and Allegiance. Although I have been guilty of no Fault, yet the Slave is by all Means criminal, and the Business of the Master is to pardon. By the Blessing of God, your Highness is the Master, and is just; let him consider that in all the Three Battles the Army of the Sirkar was the Aggressor. Now Matters have passed the Extremities. Should you even now bestow Life upon me, it would not be foreign from the Duty of a Master.

Cawnpore, 4th September 1781.

N<sup>o</sup> 77.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

A Detachment of 100 Europeans, 30 Artillery Men under Captain Hill, 2 Regiments of Sepoys, 1 Howitz, &c. under the Command of Major Crabb, set off by Water on the 31st ultimo for Chunar. Your Order of the 25th ultimo I received the 1st, and that of the 26th on the 2d. I sent by Express your Order to Colonel Cumming immediately. I am preparing to follow the Detachment with my whole Force as soon as possible. I have wrote to you Letters in Triplicate, to inform you of what I have done. I have given Major Crabb particular Orders to carry down Grain and Provisions with him, and gave him 25,000 Rupees to purchase it with, which was all the Cash in



## A P P E N D I X, N<sup>o</sup> 1.

in the Treasury here. I am now much distressed for Boats. Some of my Letters I sent down by Water. Depend upon my using the utmost Expedition.

I have the Honour to be, &c.

James Morgan, Colonel.

### GENERAL ORDERS issued at Chunar, 8th September 1781.

N<sup>o</sup> 78.

The Governor General desires to express publicly the Sense which he entertains of the gallant Behaviour of the Officers and Troops in the Attack made upon the Enemy's Camp near Pateeta on the 4th Instant. The Governor General considers Captain Blair as entitled to his warmest Approbation, for the Resolution and Conduct which he evinced in defeating a Force so much superior in Number, not wanting, as it has appeared, in personal Bravery.

The Spirit exerted by Lieutenants Fallon, Birrell, and Murray, who led the Grenadiers; the Service performed by the Artillery, under Charge of Lieutenant Baillie; and in general, the Steadiness and Attention of every Officer in his Station, materially contributed to the Success of the Action, and give them a Claim to the highest Commendations.

The Governor General also highly commends the Care and Activity of Mr. Laird, in his Attention to the Wounded during the Action.

It is with great Satisfaction that the Governor General gives the Praise, which has been represented to him as due, to the distinguished Behaviour of the Grenadiers of the Detachment.

Chunar, 8th September 1781.

N<sup>o</sup> 79.

To Colonel Morgan.

You have acted nobly, and with a Decision that does you Honour. I most heartily thank you. I have had a Letter from Major Crabb, dated the 2d, from Allahabad: he proposed to march by Land from thence, and I expect him hourly, though I have not heard from him since. The Nabob is near; Major Moses Crawford is also on the Way from Dynapore, and is reported to be on the Way from Sukkerdeea, which is but 4 Cofs from Ramnagar. I have written to you the News of the 3d. On that Morning Captain Blair, with 5 Battalion Companies and 2 Companies of Major Popham's Grenadiers, and Two Six Pounders, attacked the Enemy, encamped in a Body of more than 4,000 Men, at Pateeta; and after a very severe and doubtful Conflict, in which we lost 104 Men, killed and wounded, he obtained a most decisive Victory, taking all their Guns and Ammunition, viz. 4 Guns, 4 Tumbrils, and of Ammunition an incredible Quantity, most of which he destroyed, spiked One Gun, and brought away the rest. I hope that it will be unnecessary for you yourself to proceed this Way; yet march, and use your own Discretion in advancing. If your Presence shall be required, you will receive the surest Proof of it by the Failure of my Letters. I less fear the actual Enemy than the Contagion of the Example. I am much pleased with the Nabob.

(Signed) Warren Hastings.

Dear Sir,

N<sup>o</sup> 80.

Futty Saw, Geenooroy, and Adjeet Mull, with a large Body of armed Men, are come into Housseypore. The Two last have, I understand, joined Futty Shaw, on a Promise of his Assistance in obtaining Possession for them of their Zemindaries in Goruckpore, which is to be the second Object of this Confederacy. I have no Force to defend any Part of my Districts, and have therefore been under the Necessity of calling on the Zemindars of Sircar Sarun for their Assistance on this Occasion, and some of the principal Men amongst them are gone with their Dependants to Housseypore; but I confess I have no great Confidence in them. Several of them are intimately connected with Cheyt Sing; there are also some allied by Marriage to Durbeey Sing and Oossoan Sing: The Names of Gopaal; these last are Gopaal Narain, Serib Narain, Govind Narain, Hir Govinsaw, Bonna-Ser-Saw, and Ragonaut Saw. Letters to them from Dirbejeey Sing and Oossoan Sing would be of infinite Service, and might, in some Degree, counteract the infamous Attempts of Cheyt Sing. One Letter of his (and I have Reason to believe there are many in Circulation) addressed to Dirjoo Sing, a Zemindar of this District, at present employed in Housseypore, was by him carried to the Aumil of that Place, who immediately sent it to me. It is signed by Cheyt Sing's own Hand, and

has



## A P P E N D I X, N<sup>o</sup> 1.

has the large Seal of his Government affixed to it. He therein desires Dingo Sing to kill every European and Sepoy he can, and join him with all his People.

In my Letter of the 25th ultimo I acquainted you with the Application I had made to Colonel Ahmuty, for a Battalion of Sepoys, and of his Refusal. He wrote me, that the whole Force at Dynapore was Nine Companies, that they were lately incorporated, and the Arms they had unserviceable.

Chuprah,  
4th September 1781.

I have the Honour to be, &c.  
(Signed) Charles Græme.

Camp, Dildanagur, September 9th. A. M.

N<sup>o</sup> 81.

Sir,

I wrote you Yesterday by your Hircarrahs, who were pursued, and are returned. The Body Guard and Troops are with me. I halt hereabouts till I hear from you, or of your being at Ramnagur. Your Hircarrahs will attempt to return To-night again.

Sir,

Your most obedient Servant,  
(Signed) Moses Crawford, Major.

N<sup>o</sup> 82.

To Colonel Muir.

Chunar, 10th September 1781.

Sir,

I have lately sent you Dispatches in Duplicate, containing Instructions and full Powers for negotiating and concluding a Treaty of Peace with Madajee Scindia, either for himself separately, or with a Reservation in Favour of the Peshwa, in case it should be agreed to include him as a Party in the Treaty. I have since received Intelligence, that one of my Dispatches has been intercepted, and it is not unlikely that the other may meet with the same Fate. I have also sent a second Letter of the same Substance with the first, but without Credentials. As the present Opportunity promises a more safe Conveyance, I now send you a Duplicate of my last Letter of Instructions, together with a more full and regular Commission than it was before in my Power to forward to you.

I had Yesterday the Pleasure to receive your Letter of the 17th ultimo. The one which you mention to have written on the 13th, has not reached me: I imagine it has fallen into the Hands of Cheyt Sing's People. It is with great Satisfaction I observe, from the Deputation of Chinnagee Row, that Madajee Scindia has in some Degree anticipated the Overtures of this Government, and that the general Expressions of a Desire of Peace, used at his first Interview with Mr. Ford, indicate a Disposition so consonant with our own.

If Scindia should urge the Return of your Detachment beyond the Boundaries of his Dominions, I see no Objection to this Condition being granted; on the contrary, I desire it. There can be no Use for the Continuance of the Detachment after Peace is concluded, nor will there be any Thing in the smallest Degree dishonourable in agreeing to its Return.

The Objects of its Equipment were, to divert Madajee Scindia from the Operations on the Malabar Side of India, or to withdraw him from the Alliance of the Ministers of the Peshwa; and these Objects having been effected, its Return becomes a natural Consequence.

We are under no Engagements to protect the present Dominions of the King, or those of Nudgiff Cawn, and the Rajah of Joynagur; and if Peace is settled with Madajee Scindia, I do not desire that he should be restrained in carrying into Execution any Plans which he may have formed against them; at the same Time I think it necessary to caution you against inserting any Thing in the Treaty which may expressly mark either our Knowledge of his Views or Concurrence in them. It will be sufficient for us, and Scindia ought to be satisfied with the Latitude implied in it, if he is only restricted in the Treaty from making Encroachments on our own Territories, and those of our Allies the Nabob Vizier, the Ranah of Ghode, and Futty Sing Guickwar? For these an express Provision must be made. He must in direct Terms engage, that he will never invade, or in any Respect molest them; as we will in the same Manner stipulate with respect to his Territories. In my Letter of the 29th ultimo, I instructed you to obtain the Restoration of the Chandery Rajah, and to secure the Interests of the Rajah of Naavar, and any other Chief who have been active in our Cause. This Subject I must now leave to your Discretion, as it is not in my Power to send you such explicit Instructions as I could have wished, not having Access at present to your and Colonel Camac's Letters; which point out the Nature and Extent of our Connections with each of these Rajahs, and the Claims which their past Services may have given them to our Protection. In discussing their Interests, we must make a Distinction betwixt actual and implied Engagements. No actual Engagements whatever exist between us and any of the Rajahs: Such of them however as have taken an active Part in our Cause, are entitled to some Degree of Consideration. You who are on the Spot can best judge of their

## A P P E N D I X, N° 1.

their several Merits, and will attend to them as far as you may be able, without hindering the more important Objects of your Negotiations.

It seems probable that few Difficulties will arise in settling a separate Treaty with Madajee Scindia, and this is the Object I have principally at Heart. Let it not be impeded or retarded by the Obstacles which may occur in adjusting the more complicated Matters remaining in Dispute between us and the Peshwa. A Peace with the one must soon produce a Peace with the other. Let an Opening be left for it in the Treaty with Scindia, on the Terms I have mentioned; and though these Terms comprehend in our Favour every Object which we could desire, yet they are on the Whole so advantageous to the Peshwa, that I think his Ministers will acquiesce in them rather than continue a precarious and expensive War, deprived of the Support and Assistance of Madajee Scindia.

It will be necessary to stipulate, that in case they shall not accede to the proposed Terms of Peace, Madajee Scindia shall not, directly or indirectly, assist them, or suffer any of his Tributaries or Subjects to assist them with Men or Money, or Arms, or any other Means of carrying on the War against us.

This must be either expressly stipulated, or so clearly and strongly implied, that no Doubt shall remain regarding it.

In the Event of a Peace being settled with the Peshwa, it will perhaps be thought proper to recall General Goddard's Detachment; and their best Route lies through Madajee Scindia's Territories. With a View to such an Event, you will stipulate with Madajee Scindia, that he shall allow them a free Passage, and assist them in procuring Provisions, and other Necessaries, on the Road.

I inclose a Letter which I have written to Scindia, informing him of the Powers which I have delegated to you, and desire that you will urge him to an immediate Decision on the Propositions which you have to make to him: That any Delay or Evasion on his Part may preclude an Accommodation for ever; and that by your Answers I shall be regulated in entering into another Plan of Connections, which will not only prove an insuperable Bar to the Views he has at present formed on the Northern Provinces, but draw such a powerful Attack on his own Territories as must infallibly end in his Expulsion and Ruin.

If after the Conclusion and Execution of the separate Treaty with Madajee Scindia, he should desire to promote a Peace between us and the Peshwa, I will appoint a Person with full Powers to negotiate the same through the Channel of his Introduction and Mediation.

I am, &c.  
(Signed) Warren Hastings.

To Edward Wheler, Esquire.

Sir,

N° 83.

I have advised you in Triplicate of the Success gained by Captain Blair on the 3d. It was dear, but decisive. With 550 Men opposed to more than 4,000, he completely routed them, took all their Guns (4), Tumbrils (4), and Ammunition immeasurable. Major Moses Crawford is at Dildanagur, about the Midway between this and Buxar; there he will remain till Major Popham moves. Yesterday Morning Major Crabb with his Detachment, consisting of 100 European Infantry, 30 Artillery with Captain Hill, and Two Regiments of Sepoys, arrived, and these were all transported to this Side before the Evening. Major Roberts with his Regiments, and One Lack of Rupees, has passed Ellahabad, and is hourly expected. The Nabob Vizier, whose Conduct I must in Justice applaud, arrived this Morning at his Camp on the opposite Side of the River. There I met him. He proposes to cross and encamp on this Side with a small Guard. His Army would starve us. I hope that Major Popham will be able to begin his Operations on the 14th at the latest. Doubt not of speedy Success. The Rajah has made repeated Overtures for Peace, less humble in Terms than in the Modes; but I have declined to answer him, or even to temporize: The Example is dangerous, and ought, even with Hazard, to be checked in this first Instance. You will have heard, and you will hear, many false and alarming Reports; for the Enemy invent, and our own Hircarrahs exaggerate. Colonel Morgan has acted with Promptness and Decision, which merit public Thanks; and I with Pleasure learn, that all the Officers of the Detachment shewed an Eagerness equal to his. Colonel Morgan appears to have formed the Resolution on the 29th; the Troops were embarked on the 31st, and they arrived in less than Ten Days from Caunpore. I avail myself of this vacant Space to assure you, that all will terminate happily.

(Signed) Warren Hastings.

Chunar,  
11th September 1781.

To Major Moses Crawford:

N° 84.

Sir,

I desire that you will immediately proceed, with Caution, but with Expedition, to this Place; you are

# A P P E N D I X, N° 1.

are not likely to be opposed.—I shall advise Major Popham, with whom your Junction would be at this Time liable to Uncertainty, and unnecessary.

I am, &c.  
(Signed) Warren Hastings.

P. S. Major Popham is at Pateeta.

N° 85.

To Colonel Sir John Cumming, commanding the temporary Brigade.

Sir,

It being necessary, in the present Situation of Affairs, that the whole Military Force beyond the Provinces should act in Concert, and be ultimately under the Orders of the senior Officer; you will therefore be pleased to obey all such Orders as you may henceforth receive from Colonel Morgan.

Chunargur,  
13th September 1781.

I am, &c.  
(Signed) Warren Hastings.

N° 86.

To Colonel Morgan, commanding the Forces beyond the Provinces.

Sir,

As the present Situation of Affairs makes it probable that our whole Military Force beyond the Provinces may be required to act in Conjunction, or at least in Concert, I have, in the accompanying Letter to Colonel Sir John Cumming, directed him to obey all such Orders as you may judge proper to send him; and I request, that on Receipt hereof, you will please to order him to send the Regiment of Cavalry, and One Regiment of Native Infantry from his Brigade, immediately, to Lucknow, for the Protection of that City.

Chunargur,  
13th September 1781.

I am, &c.  
(Signed) Warren Hastings.

N° 87.

The Honourable Warren Hastings, Esquire, Governor General.

Sir,

I received your Note of the 4th, at 1 P. M.; marched in 15 Hours after—empty Magazine, shattered Artillery—Troops 3 Months in Arrears—have 10 Rounds per Man—with me 3 Regiments; 2 good, 1 bad—Eight Guns—said my whole Force—considered the Circumstances under which you wrote—Country not to be left without Appearance of Troops—disposed to Disturbance—left Landy with 5 bad Guns—18 Companies that could be of little Use to me—will keep all quiet—save Cantonments—durst not recall Darangur Troops; would be abandoning the whole Upper Country—sent Express to be ready at Moment's Notice—sent Morgan most of the Boats, pressing all on the River—shall send them off the Moment they arrive—wrote to him, if he will stay at Cawnpore I will go to Chunar—if not marched, believe can be there before him by Land or Water—think there is no Force can prevent me—shall be at Cawnpore the 10th.—No Answer from Morgan.—Cavalry can't get on faster than the Sepoys.—If I go on, hope for Ammunition at Cawnpore.—If Morgan has marched I must stay at Cawnpore; or, if he will go, I have your Orders to stay—he has to march.—Wish I had been at Cawnpore—do not think you would have been obliged to go to Chunar Fort.—Have done every Thing for the best, am satisfied of this, but with your Approbation.—If Morgan is marched, and I have bad Accounts, will leave the broken Regiment at Cawnpore, and push down by forced Marches.—Beg, if possible, to hear from you.—Send Duplicate of this.

Kanuge,  
7th September 1781.

John Cumming.

N° 88.

To Major Popham.

Sir,

You will receive into your Charge and Command the following Corps of the Army now assembled at this Place; viz. The Grenadiers and Light Infantry of the 2d Regiment of European Infantry; a Detachment of Artillery from the 2d Brigade; the Foreign Rangers; 1st Battalion of the

## A P P E N D I X, N° 1.

the 6th Regiment, 19th, 30th, and 35th Regiments of Sepoys, and a Detachment of Sepoys commanded by Lieutenant Polhill, and a Body of Cavalry furnished by the Nabob Vizier.—Major Moses Crawford, commanding the Regiment of Sepoys and a Detachment of Cavalry, and Major James Crawford, commanding the Independent Companies of Sepoys stationed at Chitra, have been directed to put themselves under your Command, and their Corps are to be considered as Part of your Detachment.

These Troops you are to employ, without Loss of Time, in subduing and dispersing the rebellious Forces of Rajah Cheyt Sing, and in reducing the Zemindars of Benares, and its Dependencies, to the Obedience of the Company.

That you may be enabled to carry these Orders into effectual Execution, I hereby give you full and absolute Authority, independent of all other whatsoever, except that of the Governor General and Council, and my own, to prosecute this Service in whatever Manner you shall judge most expedient for bringing it to a speedy and successful Termination.

When the Service will admit of a Reduction in the Strength of your Detachment, you will please to return to me the 30th Regiment of Sepoys; and as soon as a further Reduction can be admitted, the 1st Battalion of the 6th Regiment of Sepoys and Lieutenant Polhill's Corps are to return to this Place.

Chunargur,  
15th September 1781.

I am, &c.  
(Signed) Warren Hastings.

Edward Wheler.

N° 90.

Sir,

My last was the 11th.—The Forces now assembled are the 6th, 7th, 19th, 30th, and 35th Regiments, Lieutenant Polhill's Battalion of the Body Guard, Two Companies of European Grenadiers and Light Infantry, 30 Artillery Men, and the Rangers, and 600 of the Nabob's Horse.—Major Popham marched on the 16th; one Division to Pateeta, another with Major Crabb to the Back of Lutteespore.—I do not expect any Thing decisive so soon as I wish—there must be Delays, and I feel them sorely; but, I thank God that I am myself a Witness of the Evils, Wants, and Errors of our Service, though I have been nearly the Victim of them, since it has furnished me with the Means, though slow, of correcting them. The Province of Oude has caught the Contagion; but I shall dismiss the Nabob in a few Days, and doubt not but his Troubles will be soon quelled. I give my sole Attention to the present Object, which accomplished, every other will follow. Major Crawford must be near, I expect him hourly—Believe no Report. I have not yet received one Letter from you.

Chunar,  
18th September 1781.

I am, &c.  
(Signed) Warren Hastings.

Extract of GENERAL ORDERS, issued at Chunar 18th September 1781.

N° 91.

Captain Hogen is ordered to raise immediately a Corps of Native Infantry, to consist of Seven Companies of One hundred Rank and File each, to form a Guard for the Resident at Benares.

Honourable Sir,

I was Yesterday honoured with your Letter of the 8th Instant; and it gave me a sincere Pleasure to learn the Success of our Arms under Captain Blair, and of there being so promising a Prospect of Punishment speedily falling on the Rebel Insurgents. I arrived here, after Five Days March, from Cawnpore: The Troops suffering greatly from the Heat, rendered it necessary to halt a Day here. To-morrow I proceed to Allahabad, where I hope again to have the Pleasure of hearing from you, or of getting such Intelligence as may serve to direct me to take such Measures and make such Movements as may best promote your Design. I have Two Packets for you from Colonel Muir: They being large and of Importance, makes me unwilling to trust them as yet to be conveyed by Hircarrahs.

N° 92.

Kana,  
15th September 1781.

I have the Honour to be, &c.  
(Signed) James Morgan.

# A P P E N D I X, N° 1.

N° 93.

To Colonel Morgan.

Sir,

I repeat my Thanks for the effectual Aid which you have given me, and the Decision with which you relolved on it. The Detachment arrived the 10th, Major Roberts's Regiment the 13th, and I hourly expect Major Crawford from Dinapore. Major Popham has invested Pateeta, a Fort 6 Miles S. E. of Chunar. We have now a Force equal to every probable Exigency come to Allahabad, and remain there. You need not advance; and I hope in a few Days to be in a State to desire you to return. I had less Cause to guard against the actual Enemy than against the Contagion of Example. The Nabob has acted most honourable. Send immediately to Joosy the Bazar People of the 7th and 19th Regiments, the Camp Equipage, Lascars, &c. of the Europe Artillery and Infantry, with this Detachment, and as much Flour as you can spare for the latter. An Escort from the Nabob will conduct them from Joosy.

Chunar,  
19th September 1781.

I am, &c.  
(Signed) Warren Hastings.

N° 94.

Honourable Sir,

It is with the greatest Concern I send you the enclosed for Mr. Middleton, intercepted by the Rajah's People. There is another Letter from Major Hannay, dated Fyzabad, 10th Instant; the Purport of which is nearly the same as that inclosed, to caution you against the secret Designs of the Nabob, and that he (Major Hannay) is much distressed and ill. The Rajah will not suffer me to send the Major's Letter to you, from some capricious Whim: I dare not now ask him; but the Major says nothing more than I tell you. I was obliged, from sad Necessity, to tell the Rajah some Part of the Contents of the enclosed; but I took Care it should be nearly plausible: I omitted such Particulars as he might take the least Advantage of. For Heaven's Sake, Sir, condescend to listen to some Terms of Conciliation, while we can do it without lessening our Dignity. Pardon me the Presumption of advising you. I am, it is true, wanting in Wisdom and the Knowledge of Politics, but I see the Rajah is very (I fear too) formidable. I am greatly distressed at the Contents of the enclosed Letter. Heaven avert this impending Storm, and protect you ever!

Lutteespore,  
Tuesday Night 11 o'Clock,  
18th September 1781.

I am, &c.  
(Signed) Jacob Barnet.

N° 95.

Enclosed in the above.

My dear Nat,

In such critical Times as these every Man has a Right to relate what he hears a Friend should and may do; without Impropriety therefore, before Hannay leaves the Neighbourhood of Fyzabad, I write you my News and Opinion, lest hereafter our Communication be cut off. There is certainly Villainy abroad. The Nabob it is said set out well inclined to our Interest; -but since, he and Saadit Ally have come to a proper Understanding: The latter wrote him, He was wrong to give us any Assistance; that such another Opportunity might never offer of shaking off the Yoke; as yet he need only stand neuter himself, and, under Pretence of assembling his Zemindars to attack Cheyt Sing, privately direct them to obstruct the Junction of our Forces by every possible Means. The Begums gave the same Advice, and Promise of Money; this Cheyt Sing has already disbursed to a great Amount. This Plan was the Cause of Gordon's Disaster, being attacked in the Nabob's Country while he thought himself amongst Friends. My Information is from some Zemindars, who I have had it in my Power to be kind to; although it is the public Talk of Fyzabad, where my People are daily insulted. Likewise Zalim, who is with 2,000 Men on the other Side, and means to cross in the Morning, boasts that he will soon do for us, as the Nabob will send Hannay no Assistance; that he is sure of; nor will any of the Collectors pay more Money: We shall therefore shortly have none to pay our Troops with, while they have Plenty. Hannay is now about Two Cofs from Ry Ghaut, on the Owde Side, with only Two Companies, Two Guns, and (I believe) some disaffected Horse. I have written him pressing to cross to this Place; for should Zalim be over before him, I shall be hemmed up in a small Fort with 150 Sepoys, when Zalim will take care Hannay does not get over to relieve me; perhaps, while attempting to pass the Evyra, be attacked by the People of the Begum, with the Zemindars set on by her. In such an Event he could not possibly

# A P P E N D I X, N<sup>o</sup> 1.

possibly escape Destruction: My Waffelaut would soon be settled after such an Accident. I am apt to think this Mharatta Treaty is only a Fetch to gain Time until the Rains are over for certain, as their Horse could not act during that Season. Look to yourself, Nat; you may be in Bobby's Power. Mr. Hastings should not leave Chunar until there be Force very sufficient at Hand, both to check his Excellency and do for Cheyt Sing, lest he get into a worse Scrape. A very few Days will determine it one Way or other with regard to us Rulers over these. You may think me humming; but it is more than Odds we never meet again. God prosper you, and pray take Care, &c.

Yours, &c.

Amore, 9th September 1781.

(Signed) J. Macdonald.

To Mr. Barnet.

N<sup>o</sup> 96.

Dear Sir,

The Governor has received your Letter of last Night's Date, and desires me to acquaint you that it gives him great Concern to find you are compelled to be the Instrument of Conveyance of the Rajah's Letters and Messages, which the uniform Treatment they have met with from the Governor must have convinced you are totally useless and unavailing. He wishes therefore you would, once for all, acquaint the Rajah, that it will be to no Manner of Purpose to force this disagreeable Task upon you in future, and that every Application from him hereafter will meet with the same Reception as the past, and be absolutely inadmissible. I sincerely wish you released from your present distressful Situation.

Chunagur,  
19th September 1781.

I am, &c.

(Signed) W<sup>m</sup> Palmer.

To Major Popham.

N<sup>o</sup> 97.

I had before heard of your Success, and was pretty well apprized of it from my own Situation at Day-break, and after; but my Satisfaction was checked by my Fears for the Loss which you might have sustained.—Your Note has relieved me; I am happy, and do most heartily congratulate you on the complete Success of this Achievement, which in every Light reflects the highest Honour on your Conduct, and on the Bravery and Steadiness with which it was followed. I am sending an Order to Major Crawford to join you this Evening, and will exchange his Guns for 2 Six Pounders.

You will have perceived from Major Crabb's Letter, that his Instructions with you is no otherwise to be effected but by the Conquest of Lutteespore; for it will ruin his Corps to return by the same Route, and he has no other, except the high Road, which is through Lutteespore and Pateeta. Let me know what you propose doing next. I shall send a Transcript of your Note in quadruplicate to Calcutta; and beg the Favour of you to order Captain Scott, or any other able Hand, to write, to send me the Particulars of this Day's Action, and a Return (which I yet expect to give me some Pain) of your Killed and Wounded. Once more I give you Joy, and add my most hearty Thanks; and I beg that you will present these in the strongest Terms (they cannot exceed my Feelings) to the Officers and Men of your Army.

I am, &c.

Past Eleven, 20th September 1781.

(Signed) Warren Hastings.

Edward Wheler, Esquire, &c. &c. &c. Fort William.

N<sup>o</sup> 98.

Sir,

I most heartily congratulate you on the Success of our Arms in the Conquest of Pateeta, for the Particulars of which I refer you to the inclosed Letter from Major Popham. I understand that large Reinforcements, both from Lutteespore and Ramnagur, were opposite him in the Field. It was intended to attack both Pateeta and Lutteespore at the same Time, and the former by an instant Assault. Major Crabb, with a strong Detachment appointed for the latter Service, marched on the Night of the 15th by a large and, as it has since appeared, scarce practicable Circuit, towards a Pass which lies behind, or to the South of Lutteespore. A Letter received this Morning mentions his Arrival on the Plain which adjoins to the Pass, after a March of Three Days, instead of One, as was expected. It is the Road to Bidzygur, and said to be the Repository of all the Rajah's Ammunition. Major Popham marched at Two of the same Night, nor did he reach his Ground with his whole Line till Ten, and then found the Place too strong to attempt it, without a regular Approach and battering Cannon. It fell at Six this Morning. I regard this Victory as a decisive Turn of our

SUP. SEL. COM. REP. II.

F f

public

# A P P E N D I X, N° 1.

public Influence ; but the greatest Proportion of my Joy is derived from the Consideration that it was gained with little Bloodshed, an Advantage which I attributed, as I expected it, to the superior Skill and known Composure, nor less Humanity, of Major Popham. Major Crawford arrived here Yesterday Morning, much harrassed, but without Loss or Impediment on his Way.

I have the Honour to be, &c.

(Signed)

Warren Hastings.

Chunargur,  
20th September 1781.

N° 99.

To the Honourable Warren Hastings, Esquire, Governor General.

Honourable Sir,

As my Answer to your Favour of the 16th, which I did not receive till the 23d, the Day I wrote the Reply ; and also my Answer to Major Palmer's Letter, dated the 17th, which I received the 21st in the Morning, and answered it directly ; are stopped at Buxar with the other Letters, I have engaged Two People, to whom I am to give One thousand Rupees, to deliver this, and bring an Answer from Chunargur ; should they get safe, you may, Sir, intrust them with any Letters, and I will forward them. Major Crawford's 2d Battalion, with the Major, marched from hence the 22d in the Morning. I immediately sent Orders to Captain Maxwell to cross over from Manjee and join Major Crawford at Buxar, which he accomplished. I have acquainted General Stibbert with what I have done, and the Necessity of ordering up immediately another Regiment and Four Six Pounders as soon as possible. I have acquainted him with the melancholy Accounts I have heard of your Situation, losing your Boats, and Major Popham's Regiment being almost destroyed. You may rest assured, Sir, there shall not be any Thing left undone by me for your Service, that I will not do. I have ordered Captain Salt's Troops to march to join Major Crawford as soon as possible : Mrs. Hastings has signified to me that she would send the Fifty Body Guard to join them. I hope you will approve of this, as it cannot be attended with any bad Consequences, whatever good so small a Body of Cavalry can do. I have got out One Six Pounder from the Magazine, the only one serviceable there, and am training up some of the Sepoys to work it, Two from each Company, not having any other People here. Our Arms are very bad, but I am in Hopes the Boats will arrive with new Arms in a few Days. Every Thing at present is quiet in these Parts. Mr. Græme made a Requisition the 24th Instant for a Battalion, but I was obliged to refuse him on Account of this Regiment having unserviceable Arms and Accoutrements, and also as it has been so short a Time incorporated. This I flatter myself you will approve of. Mrs. Hastings is well, and intrusts the accompanying Letter, which I hope you will receive safe.

I have the Honour to remain, &c.

(Signed)

Ar. Ahmuty.

Dinapore,  
August 29th, 1781.

Camp, 20th September 1781.

N° 100.

To the Honourable Warren Hastings, &c. &c. &c.

Dear Sir,

I have the Happiness to inform you we are in Possession of Pateeta, and I believe with little Loss. When the Enemy heard our Attack, a large Body posted on the Hills to the Left of our Rear, made for the Camp ; but the European Grenadiers and Light Infantry, whom I kept as a Corps de Reserve, moved towards and totally routed them. Their Cavalry at the same Time made a Motion, with some Infantry, towards the Right of our Camp, on which a Gun was sent through some high Grass to an Out Post, and by firing Two or Three Rounds, obliged them to fly. Could I have afforded a few Sepoys from the Camp, or had the Cavalry done any Thing, Numbers of the Runaways must have been destroyed. I just hear very few of our Sepoys have been killed, and not an Officer hurt. The Enemy has sustained great Loss. Had you not better, Sir, dispatch Major Crawford's Corps to relieve Major Roberts ?

I am, &c.

(Signed)

William Popham.



## A P P E N D I X, N<sup>o</sup> 1.

JOURNAL of a March over the Binde Hills, from Chunargur to Lutteeepoor; delivered to the Governor General by Major Crabb, who conducted it. N<sup>o</sup> 101.

The following Extract of Orders, issued by Major Popham, received from the Brigade Major's Office at Half past Five in the Afternoon.

Saturday,  
15 September.

“ The 1st Battalion of the 6th Regiment, the 7th Regiment with 4 Guns and 1 Howitzer, Lieutenant Polhill's Corps with his Two Guns, to march this Evening at 7 o'Clock; the Ammunition for the Guns to be carried on Bullocks. This Detachment to be commanded by Major Crabb, who will receive his Orders from Commanding Officer at 6 o'Clock.”

The Ammunition and Stores being ready at Ten, the Detachment marched by the Right, over broken Ground, to the Bank of Mullah; the Water too deep to admit of the Guns crossing without taking off the Limber Boxes, which were carried on the Lascars Heads; these occasioned a Delay of Two Hours.

The Rear Guard being crossed, I moved on, over a Plain, with low Jungle on each Side: Near the Top were Two sharp Turnings, which increased the Difficulty, and added so much to the Delay, that the Sun was rising by the Time the Guns had gained the Top; the Jungle continuing very thick, but low, for near a Corse, which opened an extensive Plain, tolerably well cultivated, and Two inconsiderable Villages in it. About a Corse from the Entrance on this Plain, a very narrow but deep Nullah delayed us Two Hours. About  $\frac{1}{2}$  of a Corse further on, met with another, the Bed and Banks of it exceedingly rocky; upwards of an Hour and Half was employed in crossing it; moved along the Bank under a steep Hill about a Mile, the Road full of Rock and large Stones; re-crossed the River, which was more difficult than before, the Bed of it full of very large Rocks, and the Bank very high, through which it was necessary to cut a Road for the Guns. About 2 o'Clock, every thing being crossed, the Detachment moved forward through a thick Jungle, with broken Ground and Hills on each Side, to the Bed of a small River full of Rocks; on the opposite Side a steep Pass, which with much Labour we got through. The Cattle being much fatigued, the Sepoys were put to drag Ropes, to get on the Guns, which delayed us till near 4 o'Clock. A great Scarcity of Water prevailed; Hircarrahs were sent out in Search, but none was to be found nearer than Three Miles in our Front, where they discovered a Lake; a thick Jungle between Two high Hills all the Way to the Water, where it became more open. The Cattle being so much spent with getting up the Hills, it was Sun-set before we got near enough the Lake to halt, which I did, with it on my Left, and a very high Hill on my right Flank, having been upwards of 20 Hours on the March; and the Distance from Chunar I judged to be about Six Cofs.

Sunday 16 Sep-  
tember.

The Detachment got under Arms at 4 o'Clock, and marched through a thick Jungle; crossed the Bed of a small River, the Banks somewhat steep, the Road narrow, but tolerably good, to the Foot of a long and steep Pass, with a very deep Gully close on the Right; the Ascent very difficult, from the great Number of large, flat, smooth Stones, where the Cattle could not hold with their Feet. With the Assistance of the Sepoys, about Ten o'Clock we gained the Top, and moved on over a Plain with large Trees, the Ground in many Places rocky, but level. About a Mile from the Top of the Hill came to a River, the Bed of it full of very large Rocks, over which, with much Labour, we got the Guns. At 1 o'Clock moved on over rocky Ground, the Country opening. About One Corse from the River entered an extensive Plain, near the Village of Koradee. Several Villages appeared on the Plain, the Inhabitants whereof fled on our Approach. The Country appeared to be well cultivated; the Road over the Plain led through Rice Fields. At Sun-set encamped. The Distance this Day about Six Cofs.

Monday 17 Sep-  
tember.

At Three o'Clock put the Detachment in Motion, and marched for the first Part over a Plain full of large deep Holes, which rendered it difficult and dangerous for the Cattle until Day-light, when we entered a thick Jungle, with many deep dry Nullahs, which retarded us very much, being obliged to cut Roads for the Guns, there not appearing the least Trace of a Road. About 2 o'Clock entered a very large Plain, with several small Villages upon it; the Inhabitants fled to the Jungle on our Approach. About 3 o'Clock encamped near a large Lake, and employed the Smiths and Carpenters in repairing the Bullocks Yokes, and the Pintles of Two Guns. This Day's March about Five Cofs.

Got under Arms at 4 o'Clock, and marched over a Plain, the Road leading through Swamps and Rice Fields, with high Banks, which retarded us much. Passed through the Village of Mud-doopore, a large Village, and seemed to have been a Place of some Note, but deserted. Here the Hircarrahs brought Intelligence, that a large Body of the Rajah's Troops were encamped about 3 Cofs in our Front, near the Village of Loorah, with some Guns. The Road between us for a Corse was a thick Jungle, with a large Lake on my right Flank, and a rising Ground and Village on

# A P P E N D I X, N° 1.

on the Left; from hence I saw the Fortrefs of Bidjigur, which appeared very high, and above 8 Cofs distant. This Day's March about 5 Cofs.

At Day-light the Detachment marched; entered the Jungle, which continued for a Corfe in some Parts very thick, where I expected to be annoyed by the Enemy. At Sun-rile the advance Guard got clear of Jungle, when I discovered the Enemy, about 2,000, drawn up in a good Situation, with their Guns on the Right (immediately opposite the Road out of the Jungle) on a rising Ground, and a small Bank thrown up in their Front; a Tope, and the Village of Loora, on their Left; a deep Morafs in their Front. They began to cannonade on the Approach of the Troops on the Plain, and continued it briskly, until the Whole had cleared the Jungle, and formed the advanced Guard, returning it with one Gun. As soon as the Line was formed, I advanced as briskly as the Ground would admit, firing the Six Pounder, until I had got near enough for the small Arms to do Execution; at the same Time I directed Lieutenant Polhill from the Right, to advance Two Companies, and secure the Guns of the Enemy; but before he could execute the Order, they retreated (leaving their Guns, Ammunition, and about 150 dead, and about 20 wounded) through a Jungle, to Lutteefpore, about Four Cofs. Having no Means of carrying away the Guns and Ammunition, I destroyed it, rendering the Guns usefess, and burying them. The Road to Lutteefpore led through a Jungle, and over a very steep and rugged Hill, where no Water could be got, prevented me from pursuing further than Sacroote, an inconsiderable Village, about a Cofs from Loora, on a small Plain, where I encamped to bury the Dead, and collect the Wounded, amounting to 34, of every Denomination.

This Day's Distance about 2-1 Cofs. At 4 o'Clock the Detachment marched over a good Road, but Jungly for about 2 Cofs, when we got to a dry Nullah, the Descent very rugged, the Ascent still more so; the Road very narrow and winding, and full of very large Stones and Rocks, over which the Guns were lifted; with much Labour and Time we gained the Summit, from whence we saw the Fort, distant about Three Miles. The Side of the Hill leading to the Town was yet worse than what we had passed; the Road from the Foot of the Hill to the Fort was very narrow, with a thick Jungle on each Side, but pretty level. At Noon I entered the Town of Lutteefpore, which had been evacuated while the Troops were getting down the Hill; about 800 of the Rajah's People having been all the preceding Night plundering it. They left behind them Six Pieces of Cannon, and a great Quantity of Ammunition and Stores; Three Pieces of Cannon were found on the Hills, intended to defend the Entrance from Pateeta. The Fort stands in a Bottom, with high steep Hills on Three Sides, with thick Jungle all round close to the Ditch, which is deep on the Pateeta Side, where the Wall is of Stone; the other Sides of the Wall is composed of Part Stone and Part Mud, with Loop Holes. The Guns were mounted on wooden Swivels in the Center of the Bastions. The Citadel has a deep Ditch and a high Stone Wall (with Loop Holes) in many Places much cracked, almost from Top to Bottom, and very wide.

N° 102. To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Honourable Sir,

I should do great Injustice in not acknowledging how much I am indebted to the Officers and Troops of the Detachment, for the Steadiness which they observed in the Action of the 20th, as well as the Readiness they shewed in assilting to surmount the Difficulties on the March.

Lieutenant Fireworker Baillie, of the Artillery, in particular, I beg Leave to recommend to your Notice, for the very great Attention which he shewed in his particular Department.

I have the Honour to be, &c.

Lutteefpoor,  
25th September 1781.

(Signed) J. W. Crabb,  
Major 2d Brigade.

N° 103. Return of the Killed, Wounded, and Missing in the Attack of the Fort at Pateeta,  
20th September 1781.

Commanding Officers.			
Grenadier Corps,	Major Lane —	6 Sepoys killed	
19th Regiment,	Major Balfour —	2 Ditto ditto	5 Sepoys wounded
30th Regiment,	Major Roberts —	2 Ditto ditto	4 Ditto ditto
35th Regiment,	Major Humphries,	1 Ditto ditto	1 Ditto ditto
Total		11 Killed	10 Wounded.

# A P P E N D I X, N° 1.

Chunargur, 22d September 1781.

N° 104.

To Edward Wheler, Esquire.

Sir,

On the 20th Major Crabb defeated and routed a Party of the Enemy on the Plain above the Pass of the Suckrute; their Loss was 150 Men and 3 Guns, with much Ammunition; our's small. The Rajah that Evening fled from Lutteespore; his Men followed his Example; and Yesterday at Noon Major Crabb took Possession, the Place being totally deserted. I was Yesterday in Major Popham's Camp, and visited the Fort of Pateeta and its Intrenchment. They are both contemptible, but in their actual State absolutely impregnable against an Attack, had they made any Resistance. The Fort, though small, is of Stone, with 4 Towers, a parallel Rampart, and Towers, and a Ditch of great Depth surrounding these, and the Town itself guarded by an Intrenchment extending far beyond it; and the Space between, Hills, Rocks, and Jungle almost impenetrable. At One o'Clock we had the Satisfaction to receive, by a regular Salute of 21 Guns, the instant Information of the Possession of Lutteespore by Major Crabb. I have taken upon me to grant a Brevet Commission of Major to Captain Lane, who commanded the Grenadiers of the Army, and performed distinguished Service. I this Instant receive an authentic Confirmation of the above Intelligence from Major Crabb.

I have the Honour to be, &c.

Warren Hastings.

Camp at Lutteespore, 21st September 1781, at Night.

N° 105.

From Captain Thomas Blair to Lieutenant Colonel Blair, at Chunar.

My dear Colonel,

It is with much Satisfaction that I now give you an Account of our Arrival at Lutteespore, after a most fatiguing March as ever Troops experienced, over Hills, Rocks, Rivers, and through Jungles. It does much Credit to the Abilities and Knowledge of Bunde Cawn, his being able to conduct us by such a Road without losing our Way. The only Circumstance is, that he has been deceived in the Length of the Coasts, each of which are at least 4 Miles. We Yesterday were opposed at Lora Suckrute by a Body of the Rajah's Troops, something less than 2,000 in Number, and Three Pieces of Ordnance, which we dispersed and took. Their Guns, Tumbrils, and Ammunition, for want of Means to bring with us, was destroyed. One small Gun and Limber we have now with us. The Quantity of Ammunition found in Lutteespore is considerable. The Place, in consequence of our Success Yesterday, was evacuated by the Rajah in the Evening. The People who did not attend him remained only to plunder his House, which they have done, and destroyed what was valuable, and of no Use to them. I do not believe there was one Man in the Fort when Major Crabb marched in. The Intention of our March, in the main Point, has, I hope, answered the Governor's Expectation—the expelling the Rajah from a Place of Strength, and preventing his taking Possession of the Ghauts leading to Bidzigur. Under his present Alarm, it appears to me, that if Measures are speedily taken to invest that Place, little Resistance will be made. I was, during the whole March, under much Concern for the Success of the Expedition, as I considered myself partly answerable for the Consequences, though I had not the Command; and I shall be much pleased to find it has met with the Approbation of the Governor, who, I hope, will do me the Justice to believe I have done all in my Power to forward the Expedition. I have to request you will mention Bunde Cawn to the Governor. I am much fatigued, and have hurt my Foot a good deal by walking, otherwise in perfect Health. I will refer you to Bunde Cawn for the Particulars of our Expedition, till I have the Pleasure of seeing you. I beg my best Respects and best Wishes may be made to Mrs. Blair.

Dear Colonel, &c.

Thomas Blair.

Chunar, 22d September 1781.

N° 106.

To Major James Crawford.

Sir,

If you have not already detached any Part of your Battalion to Patna, I desire that you will not, but keep your Corps entire, and station it near the Frontier of Bidzigur; obeying such Orders as you shall receive from Major Popham, who will soon be in that Quarter. If you weaken your Corps, you will be exposed to an unequal Contest with Cheyt Sing's whole Force, which will now be assembled.

SUP. SEL. COM. REP. II.

G g

# A P P E N D I X, N° 1.

bled there. I will be accountable to the General and to the Board for the Deviation from their Orders.

I am, &c.

Warren Hastings.

N. B. Sent under Cover to  
Major Eaton at Buxar.

September 24. Duplicate under  
Cover to Major Eaton.

N° 107.

Chunar, 22 September 1781.

To Lieutenant Colonel Ahmuty.

Sir,

I have received your Three Letters. I have the highest Sense of the Zeal which you have shewn for the Service, in the Orders given for the Reinforcement of Major Crawford's Regiment, and of the Cavalry, and for their speedy Dispatch; and I beg you will accept of my particular and most hearty Thanks for your personal Attention to myself. The Hircarrah to whom you promised a Reward of 1,000 Rupees deserves as many Lashes; he accompanied Major Crawford, and was exactly Three Weeks on the Way. Major Popham took the Field on the 16th. The Forts of Pateeta and Lutteefpore are in our Possession, the Enemy routed, and the Rajah fled Bidzigur. I request that you will instantly reinand the Detachment from Major James Crawford's Battalion, as he will be else in Danger from the Rajah's whole Force assembled in his Neighbourhood, and his Corps united will be essentially necessary for co-operating with Major Popham in the Reduction of Bidzigur.

I am, &c.

Warren Hastings.

N. B. Sent under Cover to  
Major Eaton, at Buxar;  
and the 24th, Duplicate under  
Cover to D°

N° 108.

Captain Thomas Blair to the Governor General.

Sir,

Lutteefpore, 29th September 1781.

The following Troops, Major Crabb's Regiment of Sepoys, Captain Thomas Blair's Battalion, Lieutenant Polhill's Corps, being Part of the Vizier's Body Guard, in all about Seventeen Hundred Sepoys, Six Guns, Two Tumbrils, and One Howitz, being ordered on Detachment under the Command of Major Crabb, to attack the Fort of Lutteefpore from the Hills and Pass to the Eastward of it, we began our March from the Encampment in the Neighbourhood of Chunar about 10 o'Clock in the Evening of the 15th Instant; crossed the Jurgar Nullah, in which there was Three Feet Water; the Banks of that Part steep, which detained the Troops till past Eleven before the Whole crossed. Fromthence the Detachment proceeded to Foulwarrie Gaut, which is over the Hill. The Ascent up the Hill is not very steep, but the large Stones in the Way, and want of a sufficient Number of Bildars, retarded the Guns exceedingly. With the Assistance of the Officers and Sepoys, the Whole of the Ordnance and Tumbrils were got to the Top of the Hill by Day-light. The Descent to the Plain very little; for some Distance the Road level, small Villages at a Distance from each other, the Inhabitants of which fled, on our Approach, to the Hills. Passed the Village of Dowau on our Left, which is about Two Cofs from Chunar; some small Jungles and broken Ground. Proceeded on to Byrah, about One Cofs; it is a small Village, with a little fortified round Brick Tower on the Bank of the Gondowr River, where the Troops should have crossed; but on Examination finding it unfordable at that Part, turned to the Left through a Tope, and marched to Putper Ghaut, the Road Part of the Way very bad; the Passage might be defended by a few Men against the whole Detachment. The Guns were obliged to be unlimbered, and the Tumbrils unloaded, to bring them over the River; the Rocks at the Bottom of it very large; from the East Side of it, thick Jungle for Two Miles. When the Troops came opposite to Byrad Village, the Distance round to cros at Putpur Ghaut about 2 Cofs out of the direct Road. Encamped about Five o'Clock in the Afternoon at Bulluah Ghaut, below Sultusgur Hills, on a Spot pretty clear of Jungle, Distance from Chunar about Fourteen Miles.

17th. At Day-light marched by the Right; tolerable Road; a small Nullah now and then; no Villages to be seen for Two Cofs—Ponfilla Ghaut; the Hill neither high, nor difficult to ascend; a small Village to the Right, named Nicarcaw; all the Way Jungle, not very thick; Distance Three Cofs: Came upon the Plains, passed Koradie, which is Two Cofs; marched to Cursee Village, which is about Two Cofs, and encamped at 6 o'Clock in the Evening. Left Simraw, a large Village, on the Right; the Country flat and well cultivated. From Bulluah Ghaut to Cerrie is about Eight Cofs.

18th,

## A P P E N D I X, N<sup>o</sup> 1.

18th September. At Day-light crossed the Field, and entered the Borriah Jungle; several Nullahs and broken Ground; some small Villages; the Road bad till out of the Jungles; near to Borria, where the Country is open and cultivated: At the Edge of the Jungle surprised Sobau Sing, a Relation to Cheyt Sing; encamped for the Day: Distance Carried Two Cofs.

19th September. Marched at Day-light; to avoid some Water and bad Ground, went out of the direct Road Two Cofs; encamped in the Afternoon in a clear Spot of Ground, at a small Village named Butt, Distance in a direct Road from Borriah about Three Cofs. The Troops marched about Six Cofs this Day. In the Evening saw several of the Enemy's Horsemen mounted as our Troopers; from my Hircarrahs received Intelligence of the Enemy being at Loora, with Three Guns and about 2,000 Men.

20th September. Marched by the Right; 2 Guns in Front of the Body Guard, One in Front of the 7th Regiment, One Gun and One Howitz in the Center, One Gun in the Rear of it, One Gun in the Rear of the 1st Battalion 6th Regiment. The Enemy were drawn up on a Piece of Ground free from Jungle, but divided by some Ditches; the Cannonade commenced on their Side; the Detachment formed in their Front in the same Order as they marched; the Guns, as they came up, returned the Fire. Soon after the Whole was formed, we advanced on the Enemy, who fired smartly from their Guns and small Arms, till the Line was within Twenty or Thirty Paces of their Guns, when they ran away; their Guns were immediately taken; Three Companies of the Rajah's Sepoys, and some Matchlock Men, retreated behind a Tank opposite the Center of Captain Blair's Battalion, who opened and marched round two Sides of it, and gave their Fire, which did great Execution, and totally dispersed the Enemy, who no longer made any Stand, but run as fast as possible: The Troops pursued the Enemy some Way: Halted to collect the Dead and Wounded; the latter were provided with Palankeens, Dooleys, &c. when we marched on to Suckroot, about One and Half Miles from the Field of Battle, and encamped for the Day. The Rajah's Troops were commanded by Myar, the Commandant of his Sepoys, and Surpurrunt Sing: The former rode to Lutteespore in great Haste, threw himself at his Master's Feet, and entreated him to make his Escape immediately; that a very large Force, with Artillery, was close in his Rear, and would inevitably take him alive. He at the same Time accused the Rajah of having deceived him, or being so himself, respecting the English Force which he went against. It appears the Rajah's People had no certain Information of the Destination of the Detachment prior to its Arrival at Honaddie, or of its Strength till the Engagement commenced. Their Hircarrahs seeing the advanced Guard followed by Two Guns, concluded it was the whole Force, and the Followers of the Camp were taken for some of Cossau Sing's People, whose Head the Rajah had ordered to be brought to him, and the others to be killed and left, as if of no Consequence. The Rajah received the melancholy Account of the Defeat of his Troops before Noon, and evacuated the Fort before Three. He was followed by Numbers; some continued all Night to plunder, and left the Place the next Morning.

21 September. Major Crabb marched with his Regiment, 3 Guns, and the Howitz, at 4 o'Clock; at 6 o'Clock Captain Blair's Battalion, Lieutenant Polhill's Corps, with the remaining Guns, Tumbrils, &c. followed; the Road good till we came to Tarrepatell, where there are large Stones and broken Ground, from thence the Road very good through Trees, till we came to Supdur Ghaut, which, from the Slope and large Stones, is exceedingly difficult for Guns to pass; came to a small Village of about 10 Huts; crossed the Gurriah Nudda; no Water in it; the Road to the Fort through Bamboos and other thick Jungles; arrived at Lutteespore, the Gate being open and the Place evacuated; Major Crabb took Possession of it about 10 o'Clock, the Remainder of the Detachment arrived soon after; when Two of our Guns were brought into the Fort, and light Cartridges taken out of the Rajah's Magazine, a royal Salute was fired, and the Union Flag hoisted on the highest Part of the Works. Three Guns were found on the Hill which overlooks the Fort, and had been placed there to prevent an Enemy from possessing themselves of a Spot which gives them every Advantage over the Fort, which is commanded from it. Several Pieces of Ordnance, and a very considerable Quantity of Powder and Ammunition ready made up, were found in the Place.

I shall be glad if the foregoing Account of our March is sufficiently correct to convey a general Idea of the Roads, Rivers and Passes. The Distances are right, so far as I am able to judge without having measured them. Troops marching by this Route without Guns would find the Distance probably less than I have made them, as we were frequently obliged to leave the direct Road to avoid Stones, broken Ground, and other Impediments to Artillery.

I have the Honour to be, &c.

Thomas Blair.

## G E N E R A L O R D E R S.

Chunargur, 22d September 1781. N<sup>o</sup> 109.

The Governor General having himself had an Opportunity of surveying the Fort and Intrenchments of Pateeta, desires to publish to the Army the Sense which he entertains of the great Zeal and Abilities

## A P P E N D I X, N° 1.

Abilities of Major Popham, in planning so difficult an Attack; and of the great good Conduct of Majors Roberts and Gardener, and of the Officers of the Detachment, for their Assistance in the Execution of it. The Governor General expresses his particular Satisfaction at the firm and intrepid Behaviour of the Grenadiers under the Command of Captain Lane; to whose gallant Example, followed and supported by the steady Courage and Discipline of the rest of the Troops, it may be principally attributed that a Place of such great Strength has been reduced, and almost without Loss.

The Governor General, in Testimony of the Merit and Conduct of Captain Lane, promotes him to the Rank of Major by Brevet.

N° 110.

Major Popham to the Governor General.

Sir,

Camp at Pateeta, 22d September 1781.

It is with reflective Satisfaction I acquaint you that our Endeavours to reduce this Place, and disperse the Army of the Rajah Cheyt Sing, have been attended with complete Success.

My Intention was to have assaulted the Town, on my Arrival before it the 16th Instant; but I had certain Intelligence that a considerable Body of the Enemy, with some Cannon, were within the Place, strongly intrenched. I judged it proper to encamp till I could gain proper Information of the Strength of the Works, more especially as great Part of the Artillery and One Regiment were far in the Rear, and not likely to reach me till late in the Day. About Two Hours after the Camp was pitched, the Enemy began a Cannonade from the Town, which obliged us to file off to the Left, out of the Range of their Shot: This done, we received no further Molestation during the Day. In the Course of the Night I meditated an Attack with the whole Line on their Works; but my Hircarrachs brought Accounts that the Town was defended by a deep Trench and high Parapet, flanked with Towers, on which there were Guns mounted, and the Jungle behind very thick, with a Number of Troops; which obliged me to lay aside hazarding such an Undertaking till better acquainted with the Place. I now gave Orders for a Battery, and Major Gardiner fixed on a Spot about a Thousand Yards off the Works, but soon after, on a nearer Observation, he judged it proper to take Possession of a Tank, the Banks of which would prove an excellent Shelter for the Troops, and effectually commanded the S. E. Face of the Town, distant between Eight and Nine hundred Yards. This Post being gained with little Opposition, a Battery was formed, and the 18 Pounders carried down. On the 19th a smart Cannonade was begun, which continued at Intervals during the Day; some Shells were also thrown; however, it was impossible we could know what Execution was done, as the Thickness of the Jungles obstructed the View; yet it being observed that our Fire obliged the Enemy for the most Part to quit their Intrenchments and retire further into the Woods, it was judged by Major Gardiner and myself, that an early Assault next Morning, just before the Dawn of Day, might be attended with immediate Success, and though not complete, would gain us a Lodgement within the Works, from whence the Fort might with Ease be battered.

This being determined, and Captain Lane's Corps of Grenadiers already at the Battery, at 10 o'Clock at Night the following Orders were issued.

“ The native Grenadiers of the Line, with the 1st Battalion of the 19th, 2d Battalion of the 30th and 35th Regiments, to assemble at the Southermost Battery at 12 o'Clock To-night: Major Roberts to command this Detachment, and regulate it as he shall judge necessary for the Attack of the Town a little before Break of Day To-morrow Morning: The remaining Corps of the Line to close the Center (leaving their Quarter and Rear Guards standing) as soon as the above Detachment marches off, and there lay on their Arms. The Piquets of the Battalion ordered for the Attack, to be relieved immediately by the remaining Battalion. Major Balfour to relieve. —Major Roberts to wait on the Commanding Officer for his further Instructions.”

Major Roberts, agreeable to Orders, began the Attack just before the first Dawn; at the same Time a heavy Fire was kept up by Captain Hill, from Major Gardiner's Southermost Battery, which secured the Jungles to the Left of the Attack, and added to that Panic which seized the Enemy immediately on the Entrance of the Grenadiers, who, with the rest of the Troops, rushed on, and soon made the Victory complete.

While those successful Approaches were making on the Town, a Party of the Enemy sallied from behind the Hill in the Rear of the Battery with Two small Guns, in Hopes that by employing our Attention that Way, the Assault on the Town would be disturbed; but they were soon routed by the cool Intrepidity of a Serjeant and One Company of Sepoys. Foiled here, they moved round the Hills till they came round the Left of our Encampment; where they seemed to meditate an Attack. On their Motions being observed, the European Grenadiers and Light Infantry were ordered if possible to throw themselves in the Rear and cut them off. This Measure was too soon noticed by the Enemy, who immediately run away in great Confusion.

By this Time Major Roberts had driven the Enemy from the Town and every Part, so that they had now nothing left but to move with their Baggage and Cannon without the Place towards Ramnagar; which they effected as to the first Object; but the only Piece of Ordnance they had saved from the Town, was taken by Lieutenant Hamikon, who had Advice and was long in pursuit of it; for they



## A P P E N D I X, N<sup>o</sup> 1.

they had the Folly to fire it from a Distance at the Line, as they were gaining the Ramnagur Road, which led Lieutenant Hamilton to do it.

Had Allanals's Cavalry obeyed Orders, the Enemy's Baggage must have also been taken; but not a Man of them would move 500 Yards from the Camp.

The Returns of the Killed and Wounded on our Side, with those of the Cannon, &c. taken, will shew how fortunate we were on this Service; during which, the Behaviour of both Officers and Men was such as merits the most sincere Acknowledgements.

Majors Roberts and Gardiner, Captains Lane and Hill, were particularly active, and I feel a real Pleasure in doing them the Justice to recommend them to your particular Attention.

(Signed) W<sup>m</sup> Popham, Major.

Honourable Sir,

Enclosed I have the Pleasure to transmit a Copy of a Letter I have received from Captain Maxwell, commanding the Battalion at Burragong, with which he has sent me Copies of the Letters written by Raan Sing Roy and Shew Pershaud Roy, to Futtu Saw. These contain ample Proofs of their Guilt; one of them is a direct Information to him of the March of the Troops from Burragong, and an Invitation to avail himself of the defenceless State of Housseypore, by coming into that District. N<sup>o</sup> III.

I have, in Consequence of these undoubted Testimonies, written to Captain Maxwell to seize the Persons of Baan Sing Roy and Shew Pershaud Roy, and keep them in close Confinement.

I have not complied with Captain Maxwell's Proposal for disarming the Country People, as such a Measure could not be put in Execution without causing a general Alarm throughout the District, and greatly obstructing the Cultivation; besides which, as no Crime is alledged against any Person, I conceive there is no Necessity for acting with so much Rigour, which would involve the Innocent with the Guilty, and still leave it doubtful on whom Punishment ought to be inflicted. Though I have deemed it improper to authorize Captain Maxwell to disarm the People, in which I hope for your Approval: I have recommended to him to use every Endeavour to discover if any other Persons, and who, were concerned with Raan Sing Roy and Shew Pershaud Roy in their villainous Attempts.

The Punishment of Futtu Saw's Abettors within the District of Housseypore will doubtless be productive of good Consequences, by awing those who are secretly attached to him; but it is in vain to expect his Apprehension, whilst he receives Protection in a neighbouring Country. I am well informed, that he is now in the Dominions of Rajah Cheyt Sing, and that he has been there ever since he was driven out of Housseypore by Lieutenant Hutcheson, in the Month of February last.

Chuprah,  
the 19th August 1781.

I have the Honour to be, &c.  
(Signed) Cha' Græme.

To Charles Græme.

Sir,

In consequence of your polite Attention to my Representation respecting the Treachery and traitorous Correspondence of Bon Sing Roy and Sheo Pershaud with our declared Enemy Rajah Futtu Saw; of their having given him the most perfect Intelligence of every Movement or Step taken to entrap him from this Station; of their having supplied him with Money, and your turning them out of every Employment; I was further induced to attempt the obtaining the clearest Proof of their Guilt, as I could not deem the Punishment already inflicted on them (although the most in your Power) by any Means adequate to their Crimes.

Some Time ago, when I had the Honour of mentioning this Subject, and acquainting you with the Hopes I had of obtaining the original Letters from these Men to the Rajah Futtu Saw, you was pleased to express your Satisfaction thereat, and offered your Assistance, if this could be effected, of laying the Whole before the Honourable the Governor General and Council for their Decision. I have now the Pleasure to acquaint you, that the enclosed are exact Copies of the original Letters, attested upon Oath, at this Time in my Possession. Should further Proof of their Guilt be deemed necessary, I can take upon me to promise, that the Man employed in carrying Money from Bow Sing Roy to Rajah Futtu Saw shall be produced.

I must further beg Leave to lay before you, that while the Country People, so entirely attached to the Interests of Rajah Futtu Saw, are permitted to keep Possession of Quantities of Arms, which I have the most certain Information is the Case, that he can never be at any Loss for an armed Force to enter and plunder the Country with. For this Reason, I would humbly propose my being authorized to disarm every Man in the Country, as the only Destruction to his Hopes, and Means of fulfilling the Intentions of the Honourable Board, in his present Situation, protected and countenanced as he is by Rajah Cheyt Sing in his Country, where he now watches for the first favourable Opportunity of returning to his old Practices.

SUP. SEL. COM. REP. II.

H h

I have



## A P P E N D I X, N° 1.

I have to request you will be so obliging as to lay these Circumstances before the Board, accompanied by this Letter; but should that prove inconvenient, that you will be pleased to acquaint me so, and I will then do it myself through the Commander in Chief.

Burragong,  
the 17th August 1781.

I have the Honour to be, &c.,  
(Signed) Rob<sup>t</sup> Maxwell,  
Captain, commanding at Burragong.

N° 112.

Major Crabb to the Governor General.

Honourable Sir, Lutteefpoor, 28th September 1781.  
Bundoo Cawn, who conducted me through the Hills, has requested from me a Certificate of his Conduct; I do myself the Honour to recommend him to your Notice, as a Person who I have every Reason to believe well affected to Government.

I have the Honour to subscribe myself, &c.

J. W. Crabb,  
Major.

N° 113.

Major Crabb to the Governor General.

Honourable Sir, Lutteefpoor, 21st September 1781.  
I had the Honour to address you Yesterday from Lora; and I now advise you of my having this Morning taken Possession of the Fort of Lutteefpoor; the Rajah having evacuated it Yesterday Afternoon, and pushes across the Hills to Bidzigur with most of his Followers: Those remaining, amounting to about Seven or Eight hundred, followed his Example. At my Approach I found one of the French Soldiers, who informs me, the rest were inhumanly massacred about the 4th Instant; that he received a Wound, and pretended to be dead, until the barbarous Rascals had quitted the Place, and then he crawled out to the Hills, where he lay concealed for several Days. It was unfortunate for me the Rajah escaped; but the many Difficulties I had to encounter, rendered it impossible to reach this earlier. The Roads, from their Badness, have shaken all my Gun Carriages so much, that it is necessary for them to be taken to Pieces, and have a thorough Repair, before they can leave this. I have given the necessary Orders respecting it. I found here Four Guns of different Calibres. There appear to be a good many Stores; Particulars of them shall be taken, and forwarded with all Expedition. I have also found a Cohorn here, which was I believe taken from Mirzapoor; it seems in good Order. Your Letter of the 17th is just arrived, brought by the Bearer. Bundoo Cawn has behaved much to my Satisfaction in conducting the Detachment. He was mistaken respecting the Distance, as also the Situation of this Place from the Pals mentioned; but I beg Leave to recommend him to your Notice. I hope the Roads will be opened between this and Chunagur.

I have the Honour to be, &c.

J. W. Crabb.

N° 114.

From Major Crabb to the Governor General.

Honourable Sir, Lutteefpoor, 23d September 1781.  
I had the Honour to inform you of the Evacuation of this Place, and my taking Possession the Morning of the 21st. At that Time I could only find Four Guns, but since have discovered Five more, together with a large Quantity of Stores and Ammunition; every House almost produces Stores or Materials for making them. I have the Honour to present you enclosed, a Return of the Killed and Wounded of my Detachment, in the Morning of the 20th, near Lora, in an Action with a Party of the Rajah's Troops, to the Number of about 2,000 of all Sorts, with their Guns. Their Loss amounted in Killed and Wounded to near 200. The Guns fell into my Hands, together with the Stores attached to them, which, for want of Carriages, I was necessitated to destroy, having rendered useless and buried them.

Yesterday Morning I received Orders from Major Popham to send the 1st Battalion of the 6th Regiment, and the Vizier's Body Guard, to join him at Pateeta, and remain here with my Regiment, the Four Guns, and Howitzer, till further Orders.

I have great Satisfaction in informing you, that Half an Hour ago, Kuntoo Baboo and Mr. Barnet applied, and received Admission into the Fort, having Yesterday Morning been dismissed from Bidzigur by the Rajah. These Two Gentlemen are, from Fatigue of Travelling, and Joy at their Escape, incapable

A. P. P. E. N. D. I. X, N<sup>o</sup> 1.

incapable of proceeding further before To-morrow, when I shall give them all the Assistance in my Power towards forwarding them to Chunar.

The accompanying Letters were found in an old House Yesterday.

The Difficulties the Detachment has experienced on the March from Chunar to this Place, were such as induced me to form a Narrative, which I shall beg Leave to offer for your Perusal in Two or Three Days Time: I have, &c.

J. W. Crabb,  
Major, commanding a Detachment.

Return of the Killed, Wounded, and Missing, of the Detachment, commanded by  
Major J. W. Crabb, in the Action of 20th September 1781.

N<sup>o</sup> 115.

					Subadars.	Jemmidars.	Havildars.	Naicks.	Sepoys.
1st Battalion, 6th Regiment	{	Killed	—	—	—	—	—	—	3
		Wounded	—	—	1	1	1	—	6
		Missing	—	—	—	—	—	—	1
7th Regiment.	1st Battalion	{	Killed	—	—	—	—	—	2
			Wounded	—	—	—	—	—	5
			Missing	—	—	—	—	—	—
	2d Battalion	{	Killed	—	—	—	—	—	1
			Wounded	—	—	—	—	—	7
			Missing	—	—	—	—	—	—
His Excellency the Vizier's Body Guard	{	Killed	—	—	—	—	—	—	1
		Wounded	—	—	—	—	—	—	—
		Missing	—	—	—	—	—	—	—

Artillery—1 Lafcar killed, 1 wounded; 1 Bullock Driver, and 2 Bullocks.  
N. B. One Beastie killed.

				Subadars.	Jemmidars.	Havildars.	Naicks.	Sepoys.	Lafcars.	Bullock Drivers.	Beasties.
Killed	—	—	—	—	—	—	—	7	1	1	1
Wounded	—	—	—	1	1	1	—	18	1	—	—
Missing	—	—	—	—	—	—	—	1	—	1	—

J. W. Crabb,  
Major, commanding a Detachment.

## A P P E N D I X, N° 1.

N° 116.

Major Balfour to the Governor General.

Ramnagur 23d September 1781.

Honourable Sir,

At the Desire of the Rance, who represented Cheyt Sing's People having entirely deserted Benares, and which was confirmed by my own Intelligence, I have sent an Officer with a Company of Sepoys, along with some People of hers, to proclaim the Restoration of her Authority, and give Confidence to those who are well inclined to our Government; as also to take Charge of the Gentlemen's Effects, greatest Part of which I understand to be still there. The Officer is also particularly instructed to assist the Rance's People in apprehending the Aumeen Dyaram, who it is said is still lurking in the Town. Though this Step exceeds my Orders, I flatter myself it will meet with your Approbation, as the delaying it till I could receive your Orders might have proved fatal to the Tranquillity of the Town, which seemed to require the immediate Appearance of some Person on the Part of Government. The Inhabitants of this Place are returning fast, and the Rance acquaints me, that the People whose Names I trouble you with in the enclosed List, have all sent Offers to her of coming in immediately, and she requests me to beg you will be pleased to let her know whom you would chuse her to receive, as she will not venture to give any of them Assurances of her Protection without your previous Approbation. I request to be favoured with your Commands on this Head, and will now only take the Liberty of adding, that I think the People in general seem to be sensible of their Error, and that the Tranquillity of the Country may soon be restored.

I have the Honour to be, &c.

A. Balfour, Major.

P. S. There are many Things found here which I suppose belong to the Gentlemen with you, but I cannot ascertain exactly to whom; I shall collect them all in the Fort, and take Care of them till they can be claimed.

N° 117.

### G E N E R A L   O R D E R S .

Chunargur, September 24th 1781.

The Governor General returns his Thanks to Major Crabb, for the Spirit and good Conduct with which he has executed the Service committed to his Charge, and expresses his entire Approbation of the Behaviour of the Officers and Troops under Major Crabb's Command.

N° 118.

Translation from the Persian, of a Proclamation issued by the Governor General  
September 25th 1781.

Be it known to the Zemindars, Aumils, Ryots, and all the Inhabitants of the Zemindarry of Benares, &c. That whereas Rajah Cheyt Sing, by many Acts of Rebellion and Perfidy, and the Murder of a Number of English Officers, Sepoys, and Dependants on the Government of the Company, who were unarmed, has totally forfeited his Right to the Zemindary of Benares, &c. and become amenable to the Justice of the Company; it is therefore made known and proclaimed, that Cheyt Sing, and his Brother Sujan Sing, and their Dependants, have, from this Period, no further Right or Interest in the Zemindary of the said Provinces; and all the Zemindars and Ryots are required to withhold their Obedience and Submission from him, otherwise they will be punished accordingly.—And whereas, by the Sedition of Cheyt Sing, this Country has fallen into Confusion and Alarms, Assurances of Protection are hereby given to the Zemindars, and other Inhabitants of this Country; and they are hereby invited to repair to their former Places of Residence, and resume their Occupation in perfect Security: And, lest any should entertain Apprehensions on account of their Misdemeanors, it is declared, that the past Offences of all the Inhabitants of this Country, who shall conform to this Order, are pardoned: And further, every Zemindar and Aumil who shall, within the Space of One Month, repair to the Presence of the Governor General, or Major William Popham, Commander of the Forces in the Field, and make their Submission, shall be pardoned; and such as on account of the Distance of the Road, or any other valid Reason, cannot attend in Person, must send their Vackeels for this Purpose with proper Credentials. But be it known that the Persons of Cheyt Sing and his Brother Sujan Sing are excepted from this Pardon; and the Town of Gopee Gunjee, the Inhabitants of which have been particularly active in this Rebellion, and have committed many Acts of Sedition and even Bloodshed on many of the Dependants of this Government, shall be destroyed, and the Inhabitants thereof punished, on a due Enquiry into their Crimes—

Such

## A P P E N D I X, N<sup>o</sup> 1.

Such Persons as, availing themselves of these Troubles, shall have plundered and oppressed the Inhabitants of the City of Benares, and such as shall have committed Murder on peaceable Passengers, shall be rendered accountable for the same in the due Course of Justice.

The Governor General to Major Crabb.

N<sup>o</sup> 119.

Chunargar, 25th September 1781.

Sir,

I duly received your Letter, informing me of the Success of your Expedition; and return you my warmest Thanks for the Spirit and Judgment which you exerted in the Conduct of it.

Captain Blair and Bundoo Cawn have given me a minute Detail of the Difficulties and Fatigues which you encountered in your March; and I am truly sensible of the Zeal and Perseverance which you have shewn in surmounting them.

The Defeat of the Rajah's Troops at Lora, besides the immediate Consequence of the Evacuation of Lutteefgur, is likely to be productive of the good Effect of speedily terminating the Disturbances occasioned by the Defection of the Raja Cheyt Sing.

Be assured that I shall always retain a proper Sense of, and desire to acknowledge, the Service you have performed.

Yours, &c.

Warren Hastings.

The Governor General to Colonel Morgan.

N<sup>o</sup> 120.

Ramnagar, 27th September 1781.

Sir,

In my Letter to you, dated the 24th Instant, I acquainted you, that as the Nabob expected his Return to the Capital would put a Stop to the Disturbances which have lately arisen in his Country, it was unnecessary for you to proceed to Lucknow with your Brigade, as I at first directed. From a subsequent Conversation with the Minister, I find that there is a Probability that the Nabob may be deceived in his Expectations, and still require your Assistance; I have therefore directed Mr. Middleton, on the Nabob's Application to him in Writing for that Purpose, to apply to you for the Aid of such a Force as the Nabob may require; which I request you will furnish on Mr. Middleton's Requisition.

I am, Sir,

Yours, &c.

Warren Hastings.

Colonel Morgan to the Governor General.

N<sup>o</sup> 121.

Camp near Allahabad, 27th September 1781.

Sir,

I was honoured last Night with your Letters of the 24th Instant; and beg Leave to assure you, it is the Summit of my Ambition to meet with your Approbation of my Conduct; and the Compliments you paid the Troops which I sent you, heightened my Satisfaction with additional Pleasure. In consequence of your Letter of the 19th, desiring me to halt at this Place, I immediately ordered that Part of my Brigade which had crossed over to Joosy, to recross; but in order to lose no Time, I shall directly march towards Lucknow, and, agreeable to your Directions, shall direct Colonel Sir John Cumming to cross immediately at Cawnpoor, and proceed to Lucknow with Two Regiments and Four Guns, and to comply with such Requisitions as the Nabob or the Resident make to him for Assistance to establish Tranquillity in his Excellency's Dominions. But I have the Pleasure to inform you, that I learn, both by Letters written by Gentlemen at Lucknow, and by my Intelligence Writer there, that the Commotions have subsided, and that they entertained no Alarm but from the Situation of Chunar; and I am ready to conclude, that the Brigade's halting here operated in some Measure to produce that good Effect; and I am now concerned I sent to you that Extract from Mr. Blane's Letter, as I apprehend it was written without a right Consideration of Circumstances, and caused you some unnecessary Alarm. Captain Law will cross the River To-morrow Morning with all the Cavalry fit to serve on active Service, and I have given him Instructions to use all Expedition on his Way down to Chunar. I shall march on this Side the Water up to Cawnpoor. I will

## A P P E N D I X, N<sup>o</sup> 1.

write to Mr. Middleton to let me know if the Assistance of my Troops be wanted, and shall be prepared to afford him any Aid, either with my whole Force or any Part of it, should the Detachment with Colonel Sir John Cumming not prove sufficient for quelling any Disturbance in the Nabob's Country ; but in the present State of the Country I make no Doubt of Colonel Cumming's being enough. As the Exigency of Affairs does not seem now to be pressing, I have left it to Colonel Cumming's Option, either to proceed with the Detachment, or to go and command at the Station of Futtah Ghur with the Two Regiments he has left there, till further Orders from me.

I have the Honour to be, &c.

J. Morgan.

N<sup>o</sup> 122.

Mr. Græme to the Governor General.

Chuprah, 21st October 1781.

Honourable Sir,

I have the Honour to enclose a Copy of a Second Letter received from Major Lucas, since the Action of the 17th with Futtu Saw ; by which you will see that he narrowly escaped being taken Prisoner. Wishing to reduce as soon as possible the increased Expence attending the keeping in Pay the Body of Burgundosses raised for the Defence of these Districts, I had written to Govindram Misser to send them in here to receive their Arrears that were due to them ; but previous to the Receipt of my Letter, a Plan for attacking Futtu Saw's Intrenchments had been formed : They accompanied the Battalion, and did not disappoint the general Expectation of their being serviceable on the Occasion, for they distinguished themselves greatly. I received this Morning another Letter from Major Lucas, in which he says, " Don't determine any Thing about the Peons till you hear from me again ; " there is something in Agitation that may require their further Services." In consequence of this I have resolved not to recall them immediately, and hope you will approve of it.

I have the Honour to be yours, &c.

C. Græme.

N<sup>o</sup> 123.

From Major Lucas to Mr. Græme.

Camp Huseypoor, 18th October 1781.

Dear Sir,

I have been favoured with your's of the 16th. By this, Chupra must be relieved from their Fears of Futtu Saw, who I now find has got a most compleat Drubbing, and had a very narrow Escape himself ; for, contrary to Custom, he was in his Trenches, but walked off on seeing us advance so firmly. When he arrived on the Banks of the Jerry, he mounted a favourite Horse, which was alarmed at the Fire, and had nearly thrown his Master into the River, who was obliged to dismount, and get upon an Elephant, and had just got clear, with about Twenty or Thirty Favourites, when my Grenadiers and some of Dergoo Sing's People arrived at the River, whose Depth or Rapidity did not prevent their following immediately ; and had they known the short Distance the Raja had got in proper Time, 'tis more than probable he would have fallen into our Hands. His Loss in killed and wounded, from every Account, seems to be nearly 300. Most of his principal Men fell in the Trenches ; Sittabarie, and a Commandant formerly in the Nedjeeb Battalion, said to be sent here by Cheit Sing, and his Colours taken, besides several others whose Names I do not recollect. From the Numbers of Matchlocks, Tulwars, &c. &c. picked up by our Followers in the Jungles in and about the River (which is confirmed by some Faquers who stood on the Banks) many of them must have perished therein, as it was barely fordable in a particular Spot, and very rapid. It is supposed he had 3,000 Men in the Trenches, and that he has not been able yet to collect 300 ; so that his Overthrow must, I hope, now be compleated. The Lines we attacked must not be deemed common temporary Intrenchments ; the Rampart at the Bastion was about 14 Feet high on the Outside ; and 'tis very evident the Whole was intended as a Fort, which in a little Time would have proved very troublesome. His Headmen often urged a Night Attack, which we expected for some Time, and have not been able to strip since we left Sewan ; so that it became absolutely necessary to disturb this troublesome Neighbour, which I had determined should take place on the Arrival of the Gun. Enclosed is a small Sketch ; I had proceeded with my Battalion to d. d. where we received a severe Fire, which neither the Gun nor Platoons could slacken. Here I was joined by the Amil, who pointed out the Ford. I formed the Plan of attacking the Bastion with the Gun and Dergoo Sing, while Captain Bruce advanced with his Battalion through the Jungle ; so that the Trenches were stormed at each End with equal Success, and at the same Instant. Poverty seemed to reign amongst them. I saw nothing but a few temporary Huts ; and nothing worth mentioning has been picked up.

## A P P E N D I X, N<sup>o</sup> 1.

To-morrow I march about 5 Cofs, N. E. to a suspected Place, and hope to be enabled to return to Barragong in a few Days. The Aumil has behaved very well on every Occasion.

I hope you are truly sensible of the essential Service performed by the Burgundosses, who have suffered exceedingly, and hope they may receive some Mark of Favour.

Hircarrahs are sent to all Quarters; no Intelligence of the Enemy as yet, nor do I suppose they will be easily found.

I find our Sepoys have not suffered as much as I expected; only Twenty wounded, One since dead, and Two or Three in Danger.

Your's, &c.  
(Signed) Rich<sup>d</sup> Lucas.

Translation of a Letter found in Lutteespoor, 6th October, and forwarded to the Governor N<sup>o</sup> 124.  
General by Captain Thomas Blair.

On the Tuesday after my Arrival at Benares from Buxar, I went to Sewala Gaut, with a View of representing to you several Circumstances, which I had learned concerning the opposite Party; but as they had got in before me, I was deprived of an Opportunity of seeing you. I was present at the Place where your Friends and People were sitting, and where they assembled together; and when you went with the Boat, notwithstanding it was my earnest Desire to have accompanied you, yet I had no Opportunity of doing it. The ensuing Day, the Passage of Boats to and fro was entirely obstructed, and I was afraid to send you Intelligence from this Place, lest the Letter should have fallen into the Hands of the Enemy. They remained afterwards Four Days at this Place with a few Men, and if you had then attempted to retaliate on them, you would certainly have taken Two Pigeons in One Trap; but as all your Actions are accompanied with good Fortune, there is no Doubt but the Enemy will soon be overcome. For Two Days the Hircarrahs of the opposite Party came to my House to make Enquiries; but, by the Blessing of God, no ill Consequence ensued. Now that you have taken this heavy Burthen upon yourself, you must trust entirely upon God, and shew, on all Occasions, the utmost Fortitude. The Alliance of several Chiefs, at a Time like this, is very necessary, and may be easily accomplished; yet you must avoid forming any Connection with a Chief of such a Consequence, as may afterwards himself attempt an Interference in your Affairs. Whatever Orders you give, must proceed from your own Deliberation. I am at present perfectly idle here, and am very solicitous of an Interview with you, that I may in Person communicate to you my Opinion on several Points which have occurred to me. By a Letter from Bulwunt Row, I understand that you wish me to inform myself concerning the Arrival of Hyder Beg, and to write you on the Subject.

I will assuredly make every necessary Enquiry, both about Hyder Beg and the Nabob Asoph ul Dowlah, and communicate to you the Result. I have already sent confidential Persons to both, and whatever I may in Consequence learn, shall be communicated to you hereafter. Meanwhile, the Matter is briefly this: You must never entertain Hopes of the Attachment of Hyder Beg; his whole Strength and Power depend upon the opposite Party; yet it is proper that you should attempt to conciliate the Favour of the Vizier, by telling him, that you are desirous of representing several Circumstances to him; that you wish to persuade him to detach himself from the opposite Party, and to resume his former Authority over you. Without knowing your Sentiments on this Subject, it is not in my Power to act so of myself.

It is however at all Events adviseable, that if the Vizier should entirely embrace the other Party, you should nevertheless wait upon him personally, and represent to him whatever you may deem advisable. I beg you will believe me to be in every Respect firmly attached to you. Major Hannay with One Battalion has left Goorackpoor, and Letters have been sent to Cawnpoor for Troops from thence; you should therefore retaliate on them as soon as possible. If Hyder Beg, without your Consent, should attempt to join the opposite Party, it is proper you should station a suitable Force on this Side of the Fort of Chunar, to prevent his crossing the River. Yesterday Rajah Gobind Rani and Laula went and had an Interview with Hyder Beg. What more shall I say? The Object of Hyder Beg is certainly to manifest his Attachment to the opposite Party.

# A P P E N D I X, N° 1.

N° 125.

Edward Wheler, Esquire, &c. &c. &c. Fort William.

Sir,

My Continuance in this Quarter, and the Events which have happened, have given me an Opportunity of becoming acquainted with the Situation of the Troops beyond the Provinces; and I am concerned to say, that in their Equipment they are extremely defective, particularly in small Arms and Accoutrements; the last Supplies sent from Fort William to Chunar are entirely expended; the Indents from the Board upon the Magazines there have exceeded the whole Quantity originally supplied. Major Popham's Detachment is indeed amply supplied; but those under Colonels Cumming and Muir are very deficient. I have not been informed of the Condition of Colonel Morgan's Brigade, but I am afraid it is not much superior to that of the others.

I cannot ascertain the precise Quantity of Arms and Artillery which may be required, nor is it material; but the Necessity of having in Store at Chunar such a Supply as may be equal to the Demands of any probable Service on this Side of the Caramnassa, is evident, and the immediate Want of them is pressing: I therefore earnestly intreat your immediate Orders for transporting such a Proportion of small Arms and Accoutrements, and of Field Artillery, 12 and 6Pounders, as may be adapted to this Service, and can be spared from Fort William and the Provinces, by Water, before the Swelling of the River subsides.

I have the Honour to be, &c.

Benares,  
7th October 1781.

(Signed) Warren Hastings.

N° 126.

The Honourable Warren Hastings, Esquire.

Sir,

I was only Yesterday favoured by the Receipt of your Letter of the 3d Instant. I have for some Days past been collecting the Papers which have been thrown out in the Streets and Houses of this Place.

I have the Pleasure to assure you, that the Trouble which I have taken to collect the Ryots of the Pergunnahs of Lutteefpor and Pateeta has been attended with Success. In most of the Villages I have distributed small Flags, given them Beetle and Starkarah, and to some a Sepoy to protect and encourage them. The Ryots are again employed in their Fields; few or none of the Zemindars or Aumils have yet come in. I expect the late Rain which we had, will, with the favourable Reports of the Ryots, induce them to return to their former Habitations. You may be assured, that nothing shall be wanting on my Part to protect and encourage them. The Aumils of Lutteefpoor and Pateeta shall have every Assistance from me which I can possibly give them.—In the Jungles a little Distance from this, I have discovered a small fortified Place, in which, it appears to me, the Europeans were put to Death: Some of their Hats, Shoe-Brushes, and Pieces of their Coats, were found in it. I have not been able to discover any Remains of their Bodies.

I send you Soujah ul Dowlah's Agreement with the Rajah, which was found Yesterday. I am collecting all the Papers into One Room. Two Moonshes, who take Baboo Offan Sing's Name, came to take all the Papers with them. As they had no Letters with them, I desired they would get a proper Authority for taking Possession of them, before I would deliver them: I shall be glad to be favoured with your Directions respecting them.

I have the Honour to be, &c.

Lutteefpoor,  
8th October 1781.

(Signed) Thomas Blair.



To Edward Wheler, Esquire, &c. &c. &c.

N° 127.

Sir,

I beg Leave to introduce, through you, an Instance of Zeal and Attachment to our Government, which, from the peculiar Circumstances under which it was exhibited, merits both a Place in our Records, and a public and warm Acknowledgment.

It will be remembered, that a principal Object of my Journey to these Provinces was to obtain and facilitate an Interview at Benares with Dewagur Pundit, the Minister of Raja Moodajee Boosla, for the Purpose of effecting a final Adjustment of the political Concerns of our Government, and that of Berar. The Death of Dewagur Pundit, the News of which reached me Two Days before my Arrival at Benares, and which I regret with the most sensible Concern, disappointed all the Hopes which I had conceived of forming by his Means a solid and lasting Alliance with the Court of Berar.

I was attended in my Journey from Calcutta by Beneram Pundit, the Vakeel of Moodajee Boosla, with his Brother Beesumber Pundit. The Vakeel, during his long Residence with me in that Capacity, had given me constant Proofs of a sincere Disposition to promote the Interests of our Government, whilst he exerted himself to advance those of his Master.

When I retreated from Benares, Pundit and his Brother, on the first Intelligence of my Departure, followed, and, unattended by a single Servant, joined me in the March, resisting all my Intreaties, and even Injunctions, to return to Benares, where their whole Family resided, and where they might have remained in perfect Ease and Security.

On my Arrival at Chunar I found myself in great and immediate Distress for want of Money. The Troops were some Four, and others Five Months in Arrears, and as Cheyt Sing had the Country on all Sides at his Devotion, had not the smallest Prospect of obtaining Supplies, until the Motion of our Troops from different Quarters should open a Communication. It was with Difficulty I found Means to raise so small a Sum as 2,500 Rupees, to distribute among the Sepoys for their pressing Necessities. I must add, though foreign to my immediate Subject, that the Sepoys bore their Distresses without expressing the least Impatience under them.

Being accustomed, from my Experience of the Interest which Beneram Pundit had always taken in the Success of our Affairs, and as a Kind of Acknowledgment of it, to treat him with a greater Freedom of Communication than other Persons in his Situation, I occasionally mentioned to him, without any Expectation or Thought of obtaining any Relief from him, the Difficulties under which I laboured for the Want of present Subsistence. He instantly, and with some Eagerness, replied, That his Family at Benares were in Possession of a Lack of Rupees, collected in Specie, of which he made me an instant Offer, proposing that a Battalion of Sepoys should be sent to bring it away; his Brother at the same Time offering to accompany the Escort, and to deliver the Money. I thankfully accepted the Offer, and should have adopted the Mode they recommended for bringing away the Money, had I not been fearful of exposing their Family to the Vengeance of Cheyt Sing; and as my Dewan had been left at Benares, I hoped by his Means to procure the Treasure to be transported to Chunar, and received their Orders for the Delivery of it to him. But in this Expedient I was disappointed, for the Dewan was so concealed, that my Letter could not reach him, and Gopaul Dols, the Banker, through whose Agency the intended Plan was to be effected, was about the same Time apprehended and carried a Prisoner to Lutteeepoor, where the Rajah resided; neither could I at that Time devise any other Contrivance to avail myself of the Assistance which had been thus generously pressed upon me. When I returned to Benares, Beneram Pundit renewed the same Tender; and although my Distress for Money was not then equal in any Degree to that which had before prompted him to make it, I agreed to accept it, willing to furnish an incontrovertible Proof of his Sincerity in the first Offer, and strengthen the Testimony I have therein given of his steady Attachment to our Government. The whole Sum, amounting to One Lack of Benares Sicca Rupees, was received between the 30th September and 1st October: I have granted to Beneram Pundit a Bond for the same, at the usual Rate of Interest, and the usual Form, except that it has only my Signature to it. I hope and request that the Board will be pleased to confirm it.

I have the Honour to be, &c. &c. &c.

Benares,  
13th October 1781.

(Signed) Warren Hastings.

# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 128,

The Honourable Warren Hastings, Esquire.

Honourable Sir,

I do myself the Pleasure to acquaint you with my Progress since I left Cawnpore.

You no doubt heard of my sudden March from thence for the Safety of Lucknow, and a few Days afterwards of my hasty unexpected March for the Relief of Lieutenant Colonel Hannay, whose Situation, from his Letter to me and Mr. Middleton, were beyond Description, and which authorized the March immediately necessary. He was stationed at Sakrooa, about 30 Cos from Lucknow; and to get to him I had Four unfordable Rivers or Nullas to cross, and all the Country almost between the Gumpty and Gogra had mostly revolted, and were assembled in a very considerable Body, headed by many of the disaffected Rajahs, which I had to remove before I could possibly attempt to cross the Gogra; in all of which I was successful, and relieved Lieutenant Colonel Hannay the 6th in the Morning. The Rebels who had occasioned such Commotions in that Country, and had occasioned him calling for Assistance, were then assembled at Bopaul Gaur, on the Banks of the Seera Nulla, which I was informed was fordable; and that they were determined to maintain their Ground. I halted a Day, and got an Addition of Two 6 Pounders and Two hundred of the disaffected Horse. I marched, and found them posted as described, across the Nulla, with Two Guns well stationed for their Defence, which they had taken somewhere or other. In this Situation, I advanced the Grenadier Companies with Four Guns immediately to the Banks of the Nulla, with an Intention to have ordered the Grenadiers and Two Guns over; but I found the Intelligence which I had received, of its being fordable, premature, and it might have been attended with that Consequence that I might have suffered exceedingly. This was an Accident which I could not foresee, and which took me near Half an Hour to rectify, in finding out a Place where there was the least Probability of fording, and at this Place the tallest Men could only get through; I then ordered the Grenadiers and Two Guns down to the Ford, having previously provided long and thick Ropes to enable me to drag the Guns through any Nullah where I might not meet with Boats, while the other Two Guns covered their Crossing. This obliged the Whole to give way, leaving their Guns and Two Tumbrils, and near 100 shotted Cartridges, &c. &c.; from the first of my Arrival at the Gaur, until they gave way, was near an Hour. I had only Two Men killed and Four wounded; of the Enemy, I found on the Spot between 60 and 70 killed, and many more lay scattered about at a Distance, which they had endeavoured to carry off; the greater Part of their Wounded were likewise moved away, owing to the Difficulty and Delay I met with in crossing the Nulla. They are a Set of the most obstinate People I ever met with; for such of the Wounded as were not taken away, refused Assistance, which I offered them. Could I have possibly got across sooner, and the Horsemen had recovered from their Panic, there must have been very great Carnage.

It is impossible to ascertain their Numbers; it was supposed they consisted of Ten thousand, or upwards, Horse and Foot; but the irregular Manner in which they were drawn up, prevents my forming any Judgment.

This Circumstance of the Intelligence respecting the Ford was unfortunate; However, I have taken Care in providing such People as will inevitably prevent the like happening again. They were Natives of this Country; and I am almost certain it was done on Purpose, for the Hircarrah that carried me to the Gaur I have not seen since.

To describe to you the Situation of Colonel Hannay's own Sepoys, and which called me to their Relief and Assistance, I suppose you will be acquainted with, either by himself, or from Mr. Middleton; and as I have entered upon the restoring of this Country, and a Regiment will be necessary, I beg the Favour I may not be relieved,

I have the Honour to be, &c.

Camp near Goonda,  
October 13th 1781.

J. Naylor.

GENERAL

## A P P E N D I X, N<sup>o</sup> I.

GENERAL ORDERS issued by the Governor General at Benares, the 19th October 1781. N<sup>o</sup> 129.

The Governor General having received a minute Detail from Major Crabb, of the March and Occurrences of the Detachment lately under his Command; in an Enterprize against Lutteeepore, (which Detail has been hitherto delayed by the Indisposition of Major Crabb) repeats, in a particular Manner, the general Thanks which he gave to the Detachment on the first imperfect Account of their Success.

It is with extreme Satisfaction that the Governor General observes the Spirit and Perseverance with which the Troops surmounted the many and great Objects which opposed their March through the Mountains, and the Gallantry with which they attacked and defeated a strong Detachment of the Enemy, after a most fatiguing March.

The Governor General entertains the highest Sense of the Zeal and Abilities with which Major Crabb has conducted an Expedition, attended with uncommon Difficulties, from Nullahs, Jungles, and other Impediments.

The greatest Commendations are also due to the Officers of the Detachment, for their able and active Assistance in this arduous Expedition.

The strong Recommendations which Major Crabb has given of Lieutenant Fireworker Baillie, for his distinguished Attention and Activity in the Management of the Artillery under his Charge, affords the Governor General the Pleasure of a Second Occasion of acknowledging the Services of that Officer in the same Campaign, and publishing his Thanks for them.

November 8th.

N<sup>o</sup> 130.

### GENERAL ORDERS.

The Stations of Futtý Ghur and Daranagur, to be immediately and totally withdrawn, and the Troops from both to proceed immediately to Cawnpore, where they are to remain under the Command of Colonel Morgan until further Orders.

The Detachment, commanded by Colonel Muir, to encamp at Etaya until further Orders.

All Recruiting for the Corps beyond the Provinces, to be immediately suspended.

A Regiment of Sepoys from the Station of Cawnpore, to be stationed at Lucknow, under the Orders of the Resident, and released every Three Months.

All British Officers holding Commands, or employed in the Service of his Excellency the Nabob Vizier, are hereby recalled to their Duty in the Company's Troops; they are first to repair with their Corps to Lucknow, where they are to discharge all Arrears due to the Troops under their respective Commands, and settle their Accounts with the Paymaster General of the Vizier's Establishment under British Officers, after which they are immediately to proceed to the nearest Station of the Company's Forces, and wait there until they receive the Orders of the Commander in Chief respecting their future Destination in the Corps of the Army.

## A P P E N D I X, N° 1.

The Honourable Warren Hastings, Governor General, &c.

N° 131.

Honourable Sir,

The Mutineers came to Terms with the Rajah the Day before Yesterday; they receive Four Lacks and quit the Service.

Yesterday a Letter came from Cheit Sing to the Rajah, requesting his Assistance; on its being read, the Rajah expressed his Attachment to you.

The Rajah is in good Health.

I have the Honour to be, &c.

(Signed) T. B. Thomas.

Naugpore,  
18th October 1781.

---

The Papers that form this Appendix, are true Copies of the Originals; or, where there are Translations inserted of Persian Letters, but Copies of those Translations.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council,

---

COPIES

# A P P E N D I X, N<sup>o</sup> 1.

## COPIES OF AFFIDAVITS, &c.

**I** SAAC EATON, Major of Infantry, in the Service of the United Company of Merchants N<sup>o</sup> 1. of England trading to the East Indies, maketh Oath and faith, That the annexed Papers, respectively marked A, B, C, D, and E, are, as they purport to be, Copies of Letters respectively written and received by this Deponent; and that he did believe, from the best Information which he had received at the Time of writing the Letters purporting to be written by him this Deponent, that the Subject Matter thereof was true, and still believes the same to be true. And this Deponent further faith, That he hath at divers Times written several Persian Letters to the Rajah Cheit Sing, containing Complaints of a like Nature; and that he hath not to this Hour been able to procure Redress from the said Rajah, of the Complaints contained in the annexed Letters, or in the said Persian Letters; that the said Rajah had at different Times inveigled the Sepoys under the Command of this Deponent to desert and enter into his Service; and that, from the general Conduct of the said Rajah, and his People, this Deponent verily believes, that the said Rajah was disaffected to the English Government, and wished the Subversion of the same: And further faith, that he hath commanded the Fort or Government of Buxar, on the Frontiers of the Company's Possessions, and next adjoining to those of the Zemindary of the said Rajah Cheit Sing, for the Space of Three Years and an Half, and, from his Office and Situation, had frequent Experience of the Disposition of the said Rajah, and of his People.

Sworn this 9th Day of  
December, in the Year  
1781, before me,  
(Signed) E. Impey.

(Signed) Isaac Eaton.

A true Copy of the original Affidavit.

(Signed)

E. Hay,  
Sub Secretary to the Governor  
General and Council.

A.

To Thomas Graham, Esq; Company's Resident at Benares.

Sir,

From the many contemptuous and disrespectful Letters and Messages received in answer to the different Applications made by me to the Phousdars, Aumils, Zemindars, &c. of Cheit Sing's Country, on various Subjects, I find myself obliged to address you in this public Manner, in Hopes of a Redress from your Representation to the Rajah; and in order to shew you their Disinclination to assist the Company, or oblige me, I shall here mention the Heads of two or three Circumstances as I have had Occasion to write to them upon. About Sixteen or Eighteen Months ago, a Boat with Two Twenty-four Pounders, belonging to the Honourable Company, going to Chunar, was sunk a little above Beerpoor, on the Ground belonging to the Village of Seerpoor: In consequence, I applied to the Zemindar of Beerpoor to assist me in endeavouring to weigh the Boat, at the same Time promising a Reward to such People as he could let me have. Instead of complying with my Request, he returned me an insolent Answer, saying, He had seen many Fringies; who was he? meaning me; that he was Rajah Behadres's Servant, not mine, and would therefore give me no Assistance without his Orders.

I then wrote to the Phousdar of Imaumabad; who made a Shew of Assistance, by sending Thirty or Forty Men. As they could be of little or no Use, I collected together, from Buxar and Budgepoor, as many as I possibly could, with whom I went and examined the Spot, and found it impracticable, from the Rapidity of the River, at that Time to weigh the Guns, had I been supplied with the Number of People required. On my making known to the Board the Impossibility of their being got at, I was ordered to fix a Buoy to the Boat, and post a Guard on the Banks nearest to the Place, in order to prevent its being cut away, in hopes the Course of the River might alter sufficiently this Season to admit of their being taken up. I gave the Com-

## A P P E N D I X, N<sup>o</sup> 1:

N<sup>o</sup> 1. mand of the Guard to a Naick, who formerly resided at the Village of Seerpoor, as I thought him the likeliest Person to get the Assistance of the Country People, when I might want them. The Naick came to me about a Month or Six Weeks ago, and informed me the Buoy and Mast were cut away in the Night, by some of the Muttaks either of Seerpoor, Beerpoor, or Barrow; that if I would permit him to go and reside amongst those People for a Week or Fortnight, he would find out who cut it away, as he had Reason to suspect the Zemindars, having previously heard that such a Thing was in Agitation. I permitted him to go; and in Ten Days he returned, and informed me, Two Muttaks belonging to one of the Villages told him, they knew the People, but it was as much as their own and their Families Lives were worth to divulge it, as the Zemindars had threatened the Life of any Person who should inform the Fringhies, adding, "the Guns would be useful to themselves, as the English would not possess the Country long." I wrote to the Phoufdars Butch Sing Tauckaury and Meer Aussen of Imaundabad Pergunnah, of Scringy Pergunnah, to deliver up the Mhuttaks of the different Villages, at least those who had cut away the Buoy. In consequence I obtained an Order on the Zemindars and Cutwalls for their being delivered up; but the Cutwall of Imaumadabad refused, saying, He did not know me; that if I wanted them, or any Thing else, I should fight him for it before I should have it; at the same time collecting a Mob, he drew his Sword, and made a Cut at one of my People, which he defended with his Firelock, or would most probably been killed. Upon this being reported to me, I sent a Party of Sepoys, with Orders not to make any Disturbance, but if any Resistance was made, to bring the Cutwall a Prisoner to me. Before the Sepoys could get there, the Mhuttaks were sent, but those which gave the Information to the Naick, and which were the People I wanted, were not among the Number; upon my enquiring where they were, I was told that one was dead, and the other gone to Calcutta.

The Practice of drawing their Swords upon my People is very frequent. Whenever I have Occasion to send them into the Country, either for Provisions or Bamboos, Straw, or any other Article I may want for my Garrison or the Troops under my Command, although I write to them in the most polite and civil Manner for the smallest Article, and never suffer any Person under me to take the Value of a Straw without paying for it; notwithstanding which, they will not supply me with any thing by Consent, but, on the contrary, abuse my People in the most gross Manner; and frequently, when the Gentlemen belonging to this Station have sent their Servants to purchase Things, they have been beat in the most cruel Manner.

The Zemindars of Nardimpore, Beerpore, and Choufah, make a common Practice of stopping Boats, although they have regular Rowannahs and Passports from Government. On my sending to know the Reasons for their detaining them, they make use of the most disrespectful Invectives against the Company and me; particularly the Zemindar of Narrainpoor, who not long ago confined one of the Chowdries of Buxar Bazars for Nineteen Days in Irons; and made him pay for another Man Fifty-three Rupees. Upon my writing him on the Subject, to know why he confined him? he drew his Sword on the Sepoy I sent, and returned by him a verbal Answer, that if the Chowdry came on his Side the River, he would cut his Nose and Ears off, and make him pay as much more.

Indeed, from the many Instances I have experienced of the Insolence of the several Zemindars, and the many Complaints I have made to their different Phoufdars of them, I have every Reason to believe they are encouraged by them. I shall therefore consider myself obliged by your procuring for me from the Rajah, an Order for such Articles as I may have Occasion for, on my paying the customary Price, as by that Means it will prevent any further Trouble.

I have the Honour to be,

Sir,

Your very obedient humble Servant,

(Signed) Isaac Eaton.

Buxar,  
23d May 1779.

A true Copy of the Transcript enclosed in the foregoing Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

B.

To Francis Fowke, Esquire, Company's Resident, Benares.

Sir,

On the 27th August I did myself the Pleasure of addressing you on a Subject, which I conceived of great Moment to the Company, or at least to me, as it struck at their Authority as well as mine;

## A P P E N D I X, N<sup>o</sup> 1.

mine; but it not being taken Notice of by you, I should suppose it had not come to Hand, and N<sup>o</sup> 1. therefore I enclose a Copy, and beg you will on Receipt hereof interest yourself with the Rajah, to give me ample Satisfaction for such Behaviour, otherwise, in Support of my own Consequence, I shall be obliged to apply to the Board for Redress, or for Leave to do myself Justice; for at present the Inhabitants of this Country are in such a rebellious State, that within a Mile of me they refuse to sell the smallest Article wanting either for myself or for the Troops under my Command, notwithstanding I address them in the most polite Manner, by Letter, for the most trifling Thing. It's but Yesterday the Jemauldar of Narrainpoor treated me with the greatest Contempt, by throwing a Letter I sent him on the Ground, and treading on it. The Contents were to request he would send Two or Three Dukaundars with Grain, &c. &c. for the Use of Captain Crawford's Detachment. The Jemauldar at the same Time made use of the grossest Abuse against me and the People I sent, telling them "he could raise Four hundred Men; that if the Fringies wanted any thing, they should fight for it." This Kind of Conduct, if not soon put an End to, will be productive of Bloodshed; for it is impossible in my Situation, let what will be the Consequence, to suffer it, or the People under my Command will be spit at as they pass through the Country, and myself insulted at my Fort Gates. Your speedy Reply will much oblige,

Buxar,  
3d November 1780.

Sir,  
Your most obedient humble Servant,  
(Signed) Isaac Eaton, Captain commanding.

A true Copy of the Transcript enclosed in the foregoing Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

### C.

To Captain J. Eaton, commanding the Fort at Buxar.

Sir,

I have but this Moment received your Favour of the 3d. I am ashamed to say, that the Original of the Copy which you inclosed, came to Hand in due Time. All I can say in Excuse for my Inattention, is a bilious Fever, from which I am now only recovering, and which, during its Continuance, totally incapacitated me for any Kind of Business.

I will immediately apply to the Rajah, in the Manner you desire, and represent to him the Propriety of punishing and repressing the Insolence of his Servants, and the Necessity of their assisting the Commander in obtaining Supplies for his Garrison: However, I think I can venture to predict, that a Recrimination is all the Redress I shall be able to procure; and I am convinced that the Interference of the Supreme Council is become absolutely necessary to put a Stop to these Enormities. The Moment I receive the Rajah's Answer, I will give you the Substance of it.

The inclosed will inform you of what has already passed on this Subject.

As I have heard nothing from the Board upon this Subject, I conclude that my Letter has been passed over, amidst the Multiplicity of Business in which the General must have found himself involved, on his Arrival at the Presidency. I remain,

Benares,  
the 8th November 1780.

Sir,  
Your most obedient humble Servant,  
(Signed) F. Fowke,  
Resident.

A true Copy of the Transcript inclosed in the foregoing Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

### D.

To Francis Fowke, Esquire.

Sir,

I have received your different Favours, and have seen the Purwannah, which I am afraid will have little or no Effect, as the whole Country seems to be in a State of Ferment. So late ago as the



## A P P E N D I X, N<sup>o</sup> I.

N<sup>o</sup> I. the 14th Instant, Three Gentlemen, who were proceeding to join the Army, were injured by the Jemauldar of Beerpoore, who not only beat and bruised their Servants, and afterwards robbed them, but cut one of the Gentlemen with a Tulwar across the Forehead, and other Parts of the Body, in so dangerous a Manner, that he was sent off from Buxar Yesterday Morning, to have the Assistance of the Medical Gentlemen at Patna; but as there is every Appearance of a Fracture, I am much afraid he will not recover. The other Two Gentlemen, after this shocking Accident, returned here, and propose remaining with me till they hear of Mr. Basset (the Gentleman wounded) whether he recovers.

Both the Gentlemen say, the Stroke was made by the Jemauldar himself; upon which I immediately dispatched a Serjeant and Thirty Sepoys, who are just now returned, having brought along with them a Parcel of Black Fellows from Beerpoor; but as I have not as yet had Time to enquire into the Particulars, I am uncertain whether the Scrutiny will be attended with the desired Success: I am however resolved to keep the People I already have in Confinement, Prisoners, until I am able to get to the Bottom of this infamous Affair. I request you will inform the Rajah of my Resolution, that he may take the proper Steps to have it cleared up; as this is not the only Instance of the daring and rebellious Spirit of the Natives in Cheyt Sing's Districts. The inclosed will shew you a new Species of Fraud and Extortion, committed by Myup Sing, the Paraporah Jemauldar, who takes upon himself the Collection of Duties on Boats passing his Station. The Serang from whom he squeezed Money, has given me the inclosed Account of the Matter, drawn up by himself, and to which I refer you; and am,

Sir,

Your most obedient humble Servant,

(Signed)

Isaac Eaton,

Captain Commanding.

Buxar,  
the 17th November 1780.

A true Copy of the Transcript inclosed in the foregoing Affidavit.

(Signed)

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

E.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c.

Gentlemen,

As I have ever considered it as an essential Duty incumbent on me, as commanding at this Station, to give every Information in my Power, respecting the proper and regular Manner of distributing Justice, and preventing oppressive Acts and Irregularities, to the Honourable Board; I have embraced this Opportunity of communicating a Piece of Intelligence, which, from the flagrant Circumstances and daring Spirit of the Natives in this Part of the World, requires the most serious Attention of the Honourable Board.

So very lately as the 14th of the current Month, Three Gentlemen, viz. Ensigns Irvine Horne, and Basset, being on their Way to join the Army, were stopped by these Freebooters at Beerpoor, a Village distant from Buxar only Three Cofs. The Jemautdaur, at the Head of a numerous Gang, endeavoured, and was very assiduous in picking a Quarrel with the Gentlemen's Servants, Two or Three of whom they cut down with Tulwars, and afterwards robbed a Baggage Boat. Not yet satisfied with such cruel and barbarous Treatment, the Jemautdar (as Two of the Gentlemen inform me) made a Stroke at Mr. Basset with a Tulwar, and cut him so desperately across the Forehead and other Parts of the Body, that he was brought back to Buxar, and immediately sent away to Patna to have the Assistance of the Medical Gentlemen at that Station, though with very little Hopes of Recovery. The other Gentlemen are at present with me waiting the Issue. Immediately on receiving the above shocking Account, I dispatched a Serjeant and Thirty Sepoys in Quest of the Offenders; and Yesterday the Detachment returned, and brought a Number of People Prisoners along with them, which I will lose no Time in examining, and taking every other Step necessary to get to the Bottom of so daring an Insult. So soon as I am able to investigate the Matter thoroughly, I will take the earliest Opportunity of addressing the Honourable Board with the Result of my Enquiry.

As this is not the only Instance of the daring and insolent, I may almost say, rebellious Spirit of the Natives in almost every District of Cheyt Sing's Country, I have officially made repeated Applications to Mr. Fowke, the Resident at Benares, to represent these Grievances to the Rajah, but hitherto without Effect.

## A P P E N D I X, N<sup>o</sup> 1.

General Coote likewise addressed Mr. Fowke, in consequence of my Complaint, a Copy N<sup>o</sup> 1. of which I send inclosed; also Mr. Fowke's Answer to the General. Some short Time afterwards, I had a Second Insult; a Copy of which I likewise inclose you, with his Reply.

Since writing the above, I have just had a Third Complaint preferred to me against these People, by a Serang that was stopped by Mynso Sing, the Paranpara Jemauldar, who threatened to murder him, if he did not immediately pay 100 Rupees Duty on a Boat belonging to Major Duff, which he at that Time had Charge of, and was conducting to the Presidency. The Account, as wrote by the Serang himself, and delivered by him to me, I have inclosed for your Perusal.

All these Circumstances, properly considered, will evidently shew the great Necessity there is of speedily falling upon some Means to put a Stop to such outrageous Conduct, as at present there is no Safety for the Traveller, either by Land or Water.

I have the Honour to remain, &c.

A true Copy of the Transcript inclosed in the foregoing Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

### 1st. A.

William Palmer, Major in the Service of the Honourable East India Company in Bengal, maketh Oath, and faith, That about the End of the Month of June last, the Honourable Warren Hastings, Esquire, Governor General of Bengal, discoursing with this Deponent on the Subject of his intended Journey to Benares and Lucknow, declared one of the principal Objects of it to be to exact from Rajah Cheit Sing a Fine or Contribution of Fifty Lacks of Rupees, as a Punishment for Breach of Engagements with the Government of Bengal, and for Acts of Misconduct in his Zemindary. The Governor General further declared to this Deponent, That he knew the Ability of the Rajah to contribute such a Sum to the Exigencies of Government, and that the Governor General was determined to convert the Faults committed by the Rajah into a public Benefit. The Governor General further declared to this Deponent, in the same Conversation, That an Offer from the Rajah, but not directly, had been made to him of Twenty Lacks of Rupees for the public Service, as a Retribution for his Failure of Engagements; but that he the Governor General was resolved to insist upon the first-mentioned Sum of Fifty Lacks of Rupees; and if the Rajah should absolutely refuse the Demand, that he the Governor General would deprive him of his Zemindary, or transfer the Sovereignty thereof to the Nabob Vizier.

Sworn before me this 4th Day  
of December 1781.

(Signed) E. Impey.

(Signed) W<sup>m</sup> Palmer.

A true Copy of the original Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

### 2d. B.

Honourable Sir,

In Obedience to your Commands, conveyed to me through Major Palmer, I shall endeavour to repeat, as well as I can remember, the Purport of what you were pleased to inform me before your Departure from Calcutta, of your Intentions regarding Cheit Sing; but as so long an Interval has since elapsed, my Recollection, which has never been strengthened by a Communication, must necessarily be somewhat imperfect.

SUP. SEL. COM. REP. II.

M m

After

# A P P E N D I X, N° 1.

N° 2. After enumerating some of the Resources, which you expected to find up the Country for the Relief of the Company's Exigencies, you mentioned to me the Conduct of Cheit Sing. You observed, that he owed his Elevation to the Company; that he was allowed to enjoy a very considerable Income, the Revenue exacted from him being much inferior to the Produce of his District; and that his Territories were maintained and defended by the English Army: That on these Considerations, it had been equitable that he should contribute on an Emergency to the Support of Wars carried on by that Government under which he held his Zemindary, and to which he was indebted for its Protection. Accordingly you mentioned, that a Sum had been demanded from him; that, after some Difficulties, he had agreed to pay it at a certain Period; that, trusting to his Promise, you had made an Assignment on him for the Use of Colonel Camac's Detachment; and that Colonel Camac, relying on his Punctuality, had returned a Bill for a less Sum, which had been sent to him by Mr. Middleton; but that the Confidence had nearly proved fatal to the Detachment, and actually did prove the Cause of retarding the Expedition: That Cheit Sing, in spite of all the Representations which were made to him, delayed so long the promised Payment, that the Officers of the Detachment were reduced to the Necessity of selling their Plate: That you were therefore determined to call him to an Account, and oblige him to make an Atonement for his Conduct in this Instance, and the Want of Attachment he had in general shewn to our Government, by paying a considerable Sum of Money to the Relief of the Company's Exigencies; that if he consented, you were desirous of establishing his Possession on the most permanent and eligible Footing; but if he refused, you had it in your Power to raise a large Sum for the Company, by accepting of an Offer which had been made for his District by the Vizier. You minuted the Particulars of Cheit Sing's Conduct in an Account which you drew up in Calcutta, of the State of the different Powers of Hindostan; though I do not believe that in that Paper you expressed the Intentions you had formed; and I remember you told me, that you had communicated to Mr. Wheeler your Intentions regarding Cheit Sing; and I believe, though I cannot positively recollect, you said he had concurred in them.

I am, with the greatest Respect, &c.

(Signed) D. Anderson.

Mahdajee Scindia's Camp, near Dutteah,  
14th January 1782.

N° 3. Captain William Davy, private Persian Translator to the Honourable Warren Hastings, Esq; Governor General of Bengal, &c. maketh Oath, and saith, That he understands the Persian Language, and that the English Papers marked 1 a, 2 a, 3 a, 4 a, 5 a, 6 a, 7 a, 8 a, 9 a, 10 a, 11 a, 12 a, 13 a, 14 a, 15 a, 16 a, 17 a, 18 a, and 19 a, hereunto annexed, are respectively true and faithful Translates of the several Persian Papers marked, 1 a, 2 a, 3 a, 4 a, 5 a, 6 a, 7 a, 8 a, 9 a, 10 a, 11 a, 12 a, 13 a, 14 a, 15 a, 16 a, 17 a, 18 a, and 19 a, likewise hereunto annexed, according to the best of this Deponent's Skill and Belief.

(Signed) W<sup>m</sup> Davy.

Sworn before me this 12th Day of December 1781.

(Signed) E. Impey.

A true Copy of the original Affidavit.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

## N° 1 a.

TRANSLATION of the Declaration of Hyder Beg Khaun, attested before Chief Justice Sir Elijah Impey, November 26th 1781.

When I arrived at the Surrai of Seaumi, the Governor General, Mr. Hastings, was in the Fort of Chunar. I was detained at the Surrai by the Swelling of the River Burnau.

The Vakeel of the Raja Cheit Sing came to me, and delivered thus the Message of the said Rajah.—“ I [Cheit Sing] have not been in any Manner deficient in my Obedience to the Gentlemen of high Rank [the English]—The Governor General arrived at Benares.—At the Instigation of Onsaun Sing, Mr. Markham brought two Companies, and put me in Arrest.

About Twelve o'Clock my People, stretching forth their Hands, brought me out from thence—For the Safety of my Life I came to Raumnuggur, and from thence to Lutteeypour.—After that,  
a Force

a Force came from Chunarghur to Raumnuggur.—Onsaun Sing wanted to seize upon Raumnuggur: My People stood upon their Defence; an Engagement followed, and the Troops of the Governor General were cut off. I am now determined not to pass by aught which may be in my Power to execute. Do you (i. e. this Deponent) write thus to the Vizier of the Empire, “ That if Support is given to me, I will collect together an Hundred thousand Men, I will go even to Calcutta, and I will totally annihilate the English Government.” I replied to the Vakeel, that this Conduct, and these Declarations, would be productive of Evil to the Rajah.—When the Companies came to confine the Raja, he should have went that Moment to the Governor General.—People say that he hesitated whether he should, or not, attend the Governor. If the Governor General had any ill Intentions toward him, he would have called the Company's Forces, who were stationed in different Parts—To what Purpose was it to come alone to Benares? Or he would have seized him upon the Road. Such Intentions on the Part of the Governor, from this Retrospection, are not to be conceived. If a Master and a Ruler exerts his Authority, still there is no Cause for Fear and Apprehension. On these Subjects, with which you are unacquainted, I will communicate Circumstances as they are. His Highness is, in his Life and in his Fortune, joined and united with the Company, and the English Gentlemen. The Whole of his Dominions is from them (or is theirs) nor does he wish that there should be any Distinction between his and theirs. Such Regard more especially does he pay to the firm and perfect Friendship which always subsisted between the Governor General and his Highness, the late Nurvaub, that he never will be led to deviate, even the Point of a Hair, from the Sentiments and Wishes of the Governor. As soon as his Highness hears these Things, he will march immediately with his Forces to meet Mr. Hastings. Notwithstanding the Governor General has repeatedly wrote to the Vizier to forbid him, yet his Highness will now come on his own Determination. The English Forces too are near at Hand, they will speedily arrive, and the Punishment will be severe. It is not well for the Raja; he will be torn up by the very Roots.

To threaten also that which is out of his Power to execute, is improper, the Rank of the Raja is nothing more than that of a Zemindar; no one will pay Regard to Attempts, and a small Force will be sufficient to chastise him. Far better will it be for him to lay aside such Thoughts as these, to implore Pardon of the Governor General, to give up his Forts, and to send back to him the Boats and the Whole of the Baggage; or rather, it would be better that he himself should go alone, and with his Hands bound, into the Presence of the Governor. Again he brought this Message from the Raja: “ I can no longer rely with Safety on the English. If you say thus, do you interpose, obtain Pardon for my Faults, and take upon yourself to settle the Subsidy.” I said in Reply, “ Your Crimes have been too great; you have attacked the Troops of the Company. I cannot presume to take upon myself to settle your Affairs, and to obtain Pardon for your Crimes. If you have actually resolved on a Change of Conduct, return the Boats and the Baggage, give up Raumnuggur, Lutteefghur and Patetah. Supported by such Proofs, I will once endeavour to obtain a Pardon for you; to grant or to refuse will rest with the Governor General.” The Person who brought the Message said in Answer, “ The Intentions of the Rajah are to seize upon the Fort Chunar, and to extend his Government as far as Calcutta, and you tell him to deliver up Raumnuggur, Lutteefghur and Patetah.” I said, “ Then the Raja, it appears, aspires to the Empire, yet his Rank is only that of a Zemindar: these Attempts will draw down Destruction upon him; he will be extirpated in a Moment.” After this Conversation, he promised to return the Boats, but he never performed his Promise. An Animosity to all the English, plainly and evidently appeared from the Language of the Raja's Vakeel; he repeatedly said, that he would go even to Calcutta, and that he would expel the English, nor would he be deficient in aught which he had the Power to execute. When he found that he had nothing to hope from my Interposition, he began to act hostilely towards me also. He denied me Boats to cross the Burnau, and he directed the Tribe of Gurkbunsi to attack me in the Night. During the few Days that I continued there, we were obliged to keep ourselves ready for Action, and be upon our guard Day and Night. In the Neighbourhood of Joanpore, the People of the Raja wounded several of the Stragglers belonging to the Cavalry in his Highness's Service, who were coming to join me, and carried off some Horses. And the People stationed at Azum Ghur, who came in to me, set forth, That Hadir Shaah, the Son of Azum Shaah, Zemindar of Azum Ghur, which was formerly under the Government of Cheit Sing, had, by Directions from the Raja, gone to Azum Ghur and raised Disturbances. And the Vakeel of Cheit Sing, in the Course of his Conversation, said, that the Raja had sent Forces towards the Currumnaussa, and even to the Walls of Patna; and that Letters were gone to the King, to Nyjuf Khaun, and to Sindeah. Zaulim Sing, formerly expelled from Amordah, was at Buddlopour in the Government of Cheit Sing: He also went to Amoodah, in the Territories of the Nurvaub, and raised Disturbances. It appears that the People of Buddlapour accompanied Zaulim Sing. Such were the Reports communicated to me by the People of that Place. Finding it impracticable to cross the Burnau, where I was, without Boats, I marched from thence, and crossing higher up, where the River was fordable, I proceeded to join the Governor General. This Account of what I heard, and of what I saw, I have truly and faithfully related.

There

## A P P E N D I X, N° 1.

N° 3. There may be a Difference between the Idioms of the Hindostan and Persian Languages, but there is none in the Sense. I swear by the Almighty, that I have truly wrote, without Diminution or Addition, all that I heard and all that I saw, and nothing but the Truth.  
(Signed) Hyder Beg.

That which is here written is true.—Sealed with his Seal.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 2 a.

TRANSLATION of the Deposition of the Moonshée Gore Pershaud.—The Deponent sworn before Chief Justice Sir Elijah Impey, December 2d 1781.

Without the Means of Escape, I was obliged to put on the Habit of a Fakeer, and with my Brother take Shelter in the Hindoo Temple Arnpoornaw, where I continued undiscovered for Eight Days. At length a Fakeer, for the Sake of the Reward, went to Girdhauri Laul, the Brother of Diaraum, Ameen of Benares, and said, that for a Recompence he would seize and deliver me up. The said Girdhauri Laul gave Five Rupees to the Fakeer, and sent Five-and-twenty Peadahs along with him, who took me from the Temple, and confined me for Twenty-two Days in the Ameen's Kutcharee. My Pen is unable to describe the Ignominy, and the Severities which they inflicted upon me. After that, I was confined for Four Days at Ramnagur, and at length, on the 27th of Rammuzau, in the Twenty-third Year of the Reign, I was tied Hand and Foot and thrown upon a Dooli, and sent away from Ramnagur to Lutteespour. On the Road, near to the House of the Chowdri Sewan, I saw a Number of Ladders made of Wood and Bamboo (about Forty or Fifty) lying on the Ground. I enquired of the Peadahs who guarded me, what those Ladders were intended for? they replied, That they had been intended for the Garden of Mhadoodaus, but it was ordained, that the English Gentlemen should live: They made their Escape, otherwise Bauboo Sogaun Sing would not have left one of them alive. Having heard this Reply, I remained silent.

(Signed) Moonshée Gore Pershaud.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 3 a.

TRANSLATION of the Deposition of Hurry Raun Pundit.—The Deponent sworn before Chief Justice Sir Elijah Impey, December 2d 1781.

The Rajah Cheit Sing, having reflected on his Conduct, determined with his confidential People, that it was necessary he himself should go to meet Mr. Hastings, but that he should go from the Place where he was, with such a Force, and with such Preparations, as would enable him to act both by Land and by Water, and impress the abovementioned Gentleman with an Idea of his superior Strength; for that Mr. Hastings had with him a small Number of Troops, and if he should have entertained any ill Intentions towards him, on observing the Number and Force of his Followers, he would be led to reflect, that nothing could be effected, and consequently be deterred from making the Attempt; therefore he gave Information and particular Directions to all his Soldiers and Attendants, that he was going to meet Mr. Hastings, and that they should hold themselves in Readiness to proceed: That he should go by Water, for which Purpose, a Fleet of Boats was prepared; for the before-mentioned Gentleman (the Governor General) would come by Water, and consequently his Fleet of Boats would come with him; therefore it was necessary, that he (the Raja) should have a Fleet of Boats also, that his People might always be near at Hand: That a Body of Cavalry moreover should proceed by Land, and Tents be pitched at Two Places between Raumnagur and Buxar, for at all Events he must meet the Governor General. Accordingly, on the 16th of Shaabaun, the Raja set out from Raumnagur, by Water, to meet Mr. Hastings. The Jummadars and Huzzauries, Jaafir Khawn, Dillale Khawn, Juttao Khawn, Zubburdust Khawn, Luttao, the Son of Cauna Mull, Raumbukoh, Baulkifhun,

## A P P E N D I X, N<sup>o</sup> 1.

&c. altogether near Five hundred Horse; also Jummadars of Foot, with Matchlock Men, &c. near Two thousand, proceeded along the Southern Bank of the Ganges. And by Water, the Raja was attended by a Fleet of Boats, in Number about a hundred and Forty, in which were embarked Suddau Nund, Bukshi, Golaum Hossain Taie, Mirza Fize, Ullah Beg Bauboo, Dirjbeji Sing, Moneaur Sing, Purtaub Sing, Daond Bahadur Sing, Ahlaud Midfur, Meer Hussun Alli, &c. Shick Mahummud Ameen, Commandant of the Sepoy Battalions, Dahec Sing, Mahummud Moraud, Dhun Sing, and Hukkoomut Sing, Subadars, with Two Companies of Sepoys, Huzzoori Peadahs, and Matchlocks, in all about 2,000 Men. Godur Mull and Bullum Daus, who were stationed at Gauzipour, joined by Orders from the Raja, who afterwards arrived at Buxar, and had an Interview with Mr. Hastings.

Written by Hurri Raum Pundit.

A true Copy of the original Translation.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

### N<sup>o</sup> 4 a.

TRANSLATION of the Deposition of Jeween Raum, Monshee in the Service of the late Lieutenant Stalker.—The Deponent sworn before Chief Justice Sir Elijah Impey, December 2d 1781.

After the Arrival of Mr. Markham at Sewalli, I went in and paid my Respects to my Master, who asked me, if I knew whether Mr. Markham would come there or not? I replied, It was reported so, but that it depended on his Inclinations. Mr. Stalker then told me, I might go, but afterwards ordered me to stay. I continued there, and saw Bauboo Dirjbeja Sing sitting with the Rajah in the center Apartment, and Suddaunund Bukhshee and others whispering to the Raja. Shortly after, News was brought to the Three Gentlemen sitting in the adjoining Room, that there were Disputes without. Mr. Stalker went without the Jauli (or First Wall) and asked the Subadar, Bishun Sing, why he had ordered the Bayonets to be fixed? The Subadar replied, That Numbers of the Rajah's armed Servants had come in, and that they paid no Regard to the Company's Orders. After which, Mr. Stalker advanced further out, and asked of the younger Mouluvvi and me, who amongst those People was the Chief? I answered Bauboo Munear Sing. Mr. Stalker sent for Munneair Sing, and strongly enjoined him to appease his People, and enquire, why they attempted to dispute and fight with his Sepoys. Munneair Sing replied, What Power have they, that any one of them should presume to fight? We Two, Father and Son, are desirous to go to the Rajah. Mr. Stalker answered, Very well, but you must stay here between your People and mine, that they may not come to Blows. After that, a Letter arrived from the Governor to the Rajah, which, Mr. Stalker, having quieted and soothed the People, presented to him: The Rajah then got up, and went out of the Barradurri to the adjacent Bastion, to perform his Devotions.

At this Time Information was brought to Mr. Stalker, that the Rajah's People opposed and refused Admittance to another Company of Sepoys who had brought Provisions, a Table, &c. for the Gentlemen. Mr. Stalker again went out, and calling to Suddaunund Bukhshee, asked the Cause of this Opposition; and told him to send Directions (to the Rajah's People.) Suddaunund said, He would go himself. Mr. Stalker replied, "No, send One of your Servants." While the Man was going out to silence the People, Mr. Stalker returned within the Jauli, Dirjbeja Sing was gone from thence no one knew whither. Chate Raum, Mr. Markham's Chobdar, informed Mr. Stalker, that he had a Message to deliver to the Rajah from the Governor General. Mr. Stalker said, "Deliver it." He, the Chobedar, said, "At the Place where the Rajah was at his Devotions, the Governor says your People want to quarrel and fight; it will be better if you forbid them, for every Sepoy is as an European, and every European is as a (or the) Company; if a Drop of their Blood is shed, you shall be plundered and destroyed." At this Period, there was a Report of Guns at the Gate of Sewauli; the Action was commenced. At this Time, Mr. Stalker and Chate Raum went toward the Rajah. Moneaur Sing and others cut down Chate Raum, pulled Mr. Stalker back, and pushing him on one Side, began the Slaughter. The Rajah escaped through a Window by a Rope made of Turbans, got into a Boat, and went off; his People, by the same Means, drew up Swords and Shields as a Bucket is drawn up from a Well, and began to engage. I stood near the Jauli behind my Master; when my Master was killed, I fled toward the Place where the Rajah's Victuals was dressed. I continued there a short Time, and saw the Rajah's People jump from the Walls and the Trees with their Shields and Swords, and advance. After this, I assumed the Character of one of Cheit Sing's Servants, fled with his People, and came to the Presence. The Gentlemen after this went to Chunar, and I should have arrived the next Day, but I was plundered on the Road and confined; Diaram took away from my House Two Taghun Horses, and placed his Seal and a Guard upon the Door. After the Flight of the Rajah, the Zemindar of the before-mentioned set me at Liberty. With-



## A P P E N D I X, N° 1.

N° 3. out a Master, every Way disconsolate, to whom can I communicate my Distress? I now hope for Favour and Support from the Almighty, and from you.

(Signed) Jewan Raum.

A true Copy of the original Translation.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

N° 5 a.

TRANSLATION of the Deposition of Bishun Sing. — The Deponent sworn before Chief Justice Sir Elijah Impey, December 2d 1781.

I had Two Locks of Muskets fixed on my Ears. Bauboo Soujaun Sing sent for me by Raum Kishun Hircarrah to come into his Presence. — He said, “ Deliver up the Trunks of Gold Mohurs which the Governor delivered over to your Care when he went to Chunar.” I set forth, That I did not know any thing about such Trunks. He then gave Orders to the Sepoys to press the Locks hard [saying] that without Severity I would not be prevailed upon to give them up; and then the Blood ran from both my Ears.

Written by Beshun Sing.

4th of the Month Rummuzzaun, Year 23.

A true Copy of the original Translation.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

N° 6 a.

TRANSLATION of the Deposition of the Moonshee Putnimul. — The Deponent sworn before Chief Justice Sir Elijah Impey, 2d December 1781.

The Deposition of Putnimul Moonshee. On the last Day of the Month of Rammuzzaun, in the Year of the Reign Twenty-three, the Gentlemen went to Chunar. I was unable to accompany them for want of a Conveyance; without Remedy, I remained undiscovered in the House of one of the Inhabitants for Eight Days. The Ameen Diaram daily caused a Proclamation, to this Purport, to be made through the City; “ In the House of whomsoever a Person belonging to the English Gentlemen may be secreted, let the Owner bring him to the Ameen's Kutcharri and deliver him up; otherwise, [upon Proof] in the House of whomsoever a Person belonging to the English shall be found, the Owner thereof shall be [considered] as a Criminal to the Government of the Raja, his House and Property shall be destroyed, and his Belly shall be ript open.”

A true Copy of the original Translation.

E. Hay,

Sub Secretary to the Honourable the  
Governor General and Council.

N° 7 a.

TRANSLATION of the Deposition of the Moonshee Gore Pershaud. — The Deponent sworn before Chief Justice Sir Elijah Impey, 2d December 1781.

When the Gentlemen marched for Chunar I was not informed of it. I knew it about Four Ghurries after. In Terror for my Life, I secreted myself in the House of Bauboo Duffau Raum; I continued undiscovered for One Day; the next Day the said Bauboo Duffau Raum said to me, “ To-day there has been a Proclamation through the City to this Purport, ‘ Whoever has secreted a Follower of the English in his House, let him produce and deliver him up, otherwise, on Discovery, his House shall be seized, and he himself shall be severely punished. I cannot keep you in my House, go from my House to some other Place.’” Without Remedy, I put on the Habit of a Fakcer, and took Shelter in the Temple of Ampourna.

(Signed) Gore Pershaud.

A true Copy of the original Translation.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.



# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 8 a.

N<sup>o</sup> 3,

TRANSLATION of the Deposition of Doond Sing, Commandant.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

In the Month Phagun a Jummadar and a Harraldar in the Service of Soojaun Sing, the Brother of Raja Cheit Sing, came to me, and said, "Sojaun Sing has sent for you." I asked, "On what Account has he sent for me?"—they replied, "We do not know."—I said, "I am a Servant to the English, I will not go to him." They [then] said, "He has sent for you, to take you into his Service."—I answered, "From my Youth to this Day I have been the Servant of the English; I have never went to any Rajas or Bauboos, nor will I go to them." When those People returned to Soojaun Sing, they said, "Doond Sing, the Commandant, (i. e. this Deponent) refuses to come." The Rajah Futtch Shaahi also wrote to the Raja Cheit Sing, to place a Guard over my House at Benares, in which Case I should [be obliged to] join him with my Sepoys and Guns. This Information was given to me by the Jummadar Chaint Sing. I said, "My House, and my Wife, and my Children, may be destroyed.—Still I am the Servant of the English, and I am faithful and loyal. By the Blessing of God, in a short Time we also shall go to Benares and plunder that Raja, and we will spoil the Rajah Futtch Shaahi also." At Sukroreh I was informed that a Guard was placed at my House.

The Commandant Dood Sing not being able to write, either in Persian or Hindoo, has made his Mark.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council,

N<sup>o</sup> 9 a.

TRANSLATION of the Deposition of the Moonshce Mahummud Moraud.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

On the 19th of Rammuzau the Captain issued Orders to all the Subadars for marching towards Benares, and directed them to get in Readiness. The next Day we marched to Burra Gong; the Captain had mounted his Horse to proceed, and I was in the Rear in Search of a Conveyance for my Baggage, when Five or Six Sepoy Grenadiers and others came and surrounded me, and demanded their Pay: In consequence of which a great many more of the Sepoys came and clamoured for their Pay, and ill used me; and they brought me down from the Bungala, and beat me severely with the Butt-ends of their Pieces, and charged Bayonets even to my Breast, so that my Life was in Danger. A Hurkara carried Information of this Affair to the Captain, who, on receiving it, turned back and arrived immediately. All the Sepoys then turned clamorous against the Captain, using insulting Language; and they surrounded him, and said, that unless they received their Pay they would not set him at Liberty — that if I would pay them, well; if not, they would carry me to Bunsi, which is near Kunkooa; and that, when they should receive the Whole of their Pay from me, they would set me free.—They moreover placed a Guard with fixed Bayonets over the Captain, and pointed Bayonets to his Breast to stab him; and they rushed upon us several Times, so that we gave up ourselves for lost. In this Situation the Captain ordered them back, and gave them Three Months Pay; and then proposed to them to march with him to Benares. The Sepoys answered insolently, that they would not on any Account go to Benares. Without Remedy, the Captain marched from thence with the Battalion, and arrived at Goruckpour. He halted there a few Days, purchased Grain for the Sepoys, and marched from thence by the Way of Baunsi. We halted Six Days at Baunsi on account of the heavy Rains; we afterwards marched from thence, and after encountering a thousand Distresses arrived at Buskrora. The past Events, which are known to every one, I have thus related.

(Signed)

Mahummud Moraud,  
and sealed with his Seal.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N<sup>o</sup> 10 a.

N<sup>o</sup> 3.

N<sup>o</sup> 10 a.

TRANSLATION of the Deposition of Doond Sing, Commandant.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

It appears from the Letter of Raum Sing Jemmadaur, stationed at Mutcholi, that the Rajah Achate Mull, the Rajah Futteh Shahi, and Kihnon Raie, had engaged themselves to each other by Oath, to cross the Rivers Ghogra and Surjoo, for as much as they had received a Letter from the Rajah Cheit Sing, and the Sum of Fifteen thousand Rupees, to cut off the English in the District of Surwar, and drive them out; and Letters have arrived from Futteh Shaahi, to all the Zemindars, great and small, to withhold the Collections, and not to pay a single Daum to the English; and the said Futteh Shaahi sent near Two hundred Men, with Matchlocks, into the Jungul of Burragong, and near to Kunkooa. After Three Days, the Three Rajahs crossed the River, and encamped in the Jungul; and it was reported from all Quarters, that the Zemindars had shut up all the Ghauts on the Rivers, and sunk all the Boats; and I wrote an Account of these Things to Major Macdonald and Captain Williams, and told them that there were great Disturbances in the Country, and that there were Reports also that the Rajahs would cross the River; and I wrote these Things to Major Macdonald, that he might inform the Colonel that the Road to Benares was shut up, for fear the Captain should march from that Quarter towards Benares; it was also reported among the People, that Three Gentlemen had been killed at Benares. After some Days the Captain arrived at Kunkooa, and after a Halt of Three Days, gave Orders for marching, and directed all the Sepoys to get ready, and about Nine o'Clock in the Morning on the Sixth of September, he marched, and came to the Bank of the River Khaukhi; it then rained excessively. When we arrived at the Khaukhi, the Captain ordered the Troops to be crossed over the River; agreeably to Orders, I crossed them over. When, after a Thousand Distresses, we had crossed the River, the Captain said that there were many Rivers in the Road, and no Boats on any of them; that the Ghauts were shut up, and no Grain to be procured on the March for the People; how then would it be possible to pass the Guns and Troops through such a Country? It would be better, he said, to go to Benares by the Way of Buxar; therefore we again crossed the River Khaukhi, and encamped after marching Half a Cross from it. He (then) gave Orders for marching towards Khunkooa. Moving from the Khauki the Captain with the Troops arrived at Khunkooa; he then told all the Subadars and Jummadars, that the Raja Futteh Shahi, with his Force, was posted on the Road, and that it was necessary to attack and drive him from thence; that he would halt a few Days at Nuddi Kaunoon, and then march towards Benares. It was known that the Sepoys of the Battalion had said, "Let them give us our Pay, and wherever they go, we will go with them;" to which the Subadars replied, "they might take it wherever they found it." The said Subadars neither confined those Sepoys, nor informed me of the Circumstance. I received the Information from Cheint Sing Jummadar. The Subadar of Grenadiers stationed a Sepoy behind his Hakerie, and told him, he might either protect and convey it to his (the Subadar's) House, or he might leave it to be plundered by the Country People. The Sepoy told him to set his Mind at rest, for that he would convey it safe to his Dwelling. At Night, after Twelve o'Clock, I made my Report to the Captain, who ordered me to go with Buckhtawur Sing, Subadar to the Sepoys, to satisfy and explain to them, that he would give them their Pay when they arrived at Burragong. In the Morning we marched a small Distance towards Burragong first; a Sepoy pulled off his Coat, and drew his Bayonet on the Captain; the Subadars and Jummadars did not interpose or check him; the Captain said, "I will pay this Sepoy and dismiss him—do you march on." I obeyed his Orders, and marched; but the Sepoys quitted their Colours and their Guns, and assembled at Kunkooa. The Subadars and Jummadars said nothing (to prevent them.) Seeing the Situation of Things, I directed the Jummadar Richaul Sing to take with him Twelve Sepoys, and go to the Captain, that he might know how Things were. After which, Orders from the Captain came, to return back and join him; I went back, and saw that the Sepoys had mutinied violently; that they had drawn their Bayonets, and were threatening the Captain; moreover, Three of the Sepoys loaded their Pieces to fire at him, and they demanded Four Months Pay; and most of the Sepoys said, "Let him pay us all our Arrears, and he may go where he pleases;" when the Sepoys had received their Pay, they said, one and all, "We will not go to Burragong—We will go to the Begum's at Fizeabad; if she will retain us, we will stay; if not, we will carry the Gun (or Guns) to the Rajah Cheit Sing, and Saadut Ally Khawn." The Sepoys, after this, directed the Subadars to tell the Captain to march; the Captain replied, That the Two Companies and the Gun stationed at Richhole, were coming; he would march as soon as they had joined; the Sepoys said, "Let the Captain march, we shall meet the Companies on the Road;" however, the Captain halted till the Two Companies arrived; he then sent Hurdeaul Sing, Commandant, to the Sepoys, to tell them that the People (i. e. the Two Companies) were fatigued; that they should halt one Day, that those People might receive their Pay also; and then he would march. The Sepoys refused to listen to Hurdeaul Sing. The Captain then sent for the Two Subadars, and told them to go and persuade the Sepoys to make one Halt, that he might give the Two Companies their Pay. The Sepoys were prevailed upon to halt by the Subadars, and the Captain paid the People.

The next Morning the Captain sent a Man to the Chucklahdar, and directed him to march also. He sent Word, that he was collecting Cattle for the Baggage, and that he would march as soon as he had got them; it was afterwards heard, that the Chucklahdar had given Twelve thousand Rupees to Futteh Shaahi—the said Raja demanded Twenty thousand from the Chucklahdar, promising to protect him—And it was currently reported through the Country, that Saadut Ally Khawn was the Nawaub, and that the English Government was overthrown. After this we marched from Kunkooa; the Captain purchased Grain for the Sepoys; the Waters were out from the heavy Rain; and whoever loitered behind was plundered by the Villagers. When we arrived at Baunsi, we were obliged to halt Six Days on account of the Rains; after that we marched and arrived at Bushroreh, but there were many Rivers and Nullahs in the Road.

Doond Sing, Commandant, not knowing to write either Persian or Hindoo, has made his Mark.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 11 a.

TRANSLATION of the Deposition of Ahlaud Sing, Subadar, stationed in the Fort of Goruckpour.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th, 1781.

I had confined under my Guard in the Fort of Goruckpour, One hundred and Fifteen Burgomauls, Inhabitants of Surwaur. On the 15th of Ruminuzaun, the Rajah of Goruckpore, the Zemindars of Ouloolah, Beehouli, &c. &c. great and small, likewise all the Inhabitants of Goruckpour, with Six thousand Matchlocks, and great Numbers of Country People, armed with Clubs, at Four Ghurries of the Night surrounded the Fort, and made an Attack by Surprise; but the Sepoys on Guard at the Bastions were awake; they began to fire, and an Action immediately followed. Seeing that the Country People were in great Numbers, I went to each of the Bastions, and encouraged the Sepoys, and called them to me into the Body of the Place, and formed them together. I left a Havuldar and Ten Sepoys at the Rung Mahul, to protect the Baggage; but it was Night Time; the Country People made an Assault with Ladders, and entered the Fort, and both Parties fought resolutely. At this Time they placed Ladders against the Inner Fort, towards the South, and entered upon the Bastion: I seized an advantageous Opportunity (attacked) and killed Seventeen of the Enemy on the Bastion, and wounded several others. About Half after Ten at Night they made an Attack on the Western Bastion: As there was a Straw Chupper on that Bastion, I took Shelter under it, and threw down, with all my Force, a Part of the Brick Battlement on the Enemy, by which Four of them were killed; One other fell by a Musquet Ball; and they retreated. A Third Time, about Three o'Clock in the Morning, the Country People raised a great Shout, and attacked us again: I was then engaged on the Inner Fort Bastion: Seubunse Havuldar was posted, with Twelve Sepoys, to guard the Burgomauls; they rushed upon him in a Body, and Seubunse called out to me, with a loud Voice, that the Burgomauls had attacked him: I gave him Orders to put them all to the Sword; he instantly struck off the Heads of Eighteen Burgomauls, and threw them out, and he wounded several others. The Morning now broke, and I entertained a Hope that the Enemy would fly, and that the People of the Town would certainly join me; but the Country People, the Foujdar, &c. were all united with the Rajah; they lifted up their Arms, and said, The . . . . . of the Nabob Sandur Alli Khaun, and the Begum, have spread through the whole Country; for the Rajah Cheit Sing has destroyed all the English, and Letters have come to the Rajahs to put the Dependants of the English to the Sword, wherever they may be found; and he said, Where will they go? the Country is mine; I am a Bhonear Rajah, how long will they (be able to) oppose me? In such Discourse Two Ghurries of the Morning had passed away. From the Eastern to the Western Gate, within the Mahul, they surrounded the Fort on all Sides, and the Action was renewed. We continued engaged for Five Pahr (Fifteen Hours) with the Enemy, without tasting either Food or Water. At this Time Furhaud Beg came from the Rajah Bhonear to make Proposals, of which he informed me by One of my People: The Havuldar Seubunse said, "Perhaps the Rajah has sent him to support us; no Matter, let him be called;" so I sent for him, and he came up to the Gate of the Inner Fort, and when he saw me, he said to me, "You have no Masters; the English are all killed, and the Colonel and Mr. Gordon are confined by the Begum." I gave him insulting Language in Reply to this, and told him to tell this Story to the Sepoys who were with me; and he did repeat it, with a loud Voice, to the Sepoys; and said to them, "You have no Masters; give up the Burgomauls, that they may enter into the Rajah's Service, or go where they think proper." In Reply we said, "The good Fortune of our Masters is on our Side, and while we have Life we will fight; and we will not give up the Burgomauls." At this Juncture Sullawmut Khaun, Jummadar of Grenadiers, with Nine Sepoys, unexpectedly arrived in the Town from Buownah: My People from the Inner Fort saw

N° 3. that a Company had arrived near to the Cutwalls Chobootre; they gave a great Shout, and said, "A Company of Grenadiers is arrived from Kunkora;" and their Spirits were raised; and we opened the Gate of the Fort, and Sullamut Khan joined us. The Bravery and Resolution of Sullamut Khan are not to be described. When the Enemy beheld the Arrival of Sullamut Khaun Jummadar, they turned their Faces to Flight: I pursued them with my People through the Western Gate, and many of the Enemy were killed and wounded, and Numbers were drowned in the River; and, by the Blessing of God, we obtained the Victory. I returned into the Fort, and immediately secured Furhaud Beg and Fizeulla Beg, who had come to make Proposals about the Burgomauls; and I wrote an Account of the Whole of this Affair to the Colonel, and to the Captain. After a few Days, an Order came from the Colonel to Munnuvevar Khan, directing, that if the Rajah Mustapha Khan had been put to Death, well; if not, to strike off his Head. Munnuvevar Khan shewed me the Order. I said, The Order is not written to me—I will write to the Colonel on the Subject; and it was understood from the Country People, that the Captain was marching towards Benares, (but) that the Grenadier Sepoys had mutinied, and demanded their Pay; that the Captain gave them Three Months Pay, and proposed to them to march with him to Benares; the Sepoys all answered, that they would go to Bungulleh, and deliver up their Arms at the Gate of the Begum; in consequence of which, the Captain was obliged to give up his Intentions of going to Benares, and return to Goruckpore; and he gave Orders that the Head of Mustapha Khan should be struck off; and he was beheaded accordingly; and a Proclamation was made through the Town, that those who were guilty of such Crimes, would meet with the same Punishment. The Captain halted for some Days, and bought up Grain for the Sepoys. At this Time the Brother of Saobaun Sing, Pilusoan Sing, with a Thousand Matchlocks, and others, Country People, was at Goruckpore; and they raised an Outcry, and said that the English should not remain in the Town, and they prepared for Action; so the Captain crossed the Raubti: A Bullock Man belonging to the Artillery, who returned into the Town to buy Fodder, they put to Death. Marching from thence, in Four Days the Captain arrived at Baunsi. The Rani of Baunsi came to see him, but her Son prepared for Hostilities; he said, "They have struck off the Head of our Rajah at Goruckpore, and I will be revenged." We marched from thence; and the Rajah of Bulraum, with his People, had thrown up an Intrenchment across the Road; and he said, "It is the Begum's Orders, that you shall not march by this Road." With the greatest Hazard and Caution we marched from thence, and arrived at Khoondeh, and the Country People retired into their Fort. This is a true Account which I have set forth.

(Signed) Ahlaud Sing.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 12 a.

TRANSLATION of the Deposition of Denoo Sing, Subadar.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

On the 16th of Rammuzan an Order came to me from the Commander of the Battalion, that a Jummadar and Sepoys belonging to the Company of Deet Sing were coming to me; that I should deliver over to him the Fort and the Gun, and the Burgomauls, and that I myself should march and join Mr. Gordon at Taundeh. On the 13th the said Jummadar and Sepoys joined me at Dummureah Gunje; and, being relieved on the same Day, on the 14th of the said Month I marched toward Taundeh. The Zemindars and Villagers surrounded us all the Way from Dummureah Gunje to Ruddouli, and they said, "the Government of the Colonel is at an End;" but they had not the Resolution to attack us. They also said, "The Rajah Cheit Sing has cut off the English Forces at Benares; deliver up your Baggage, it is the Order of the Begum." In this Situation I replied, "The Baggage belongs to us, and we have Ammunition to defend it, if any one chooses to attack it, let him come." We lay the whole Night on our Arms at Ruddouli. We marched the next Morning, and arrived at Busti; but got no Intelligence of Mr. Gordon to enable us to join him. Ghussloor Beg, Subadar of the Nabob's Artillery, told me that Bauboo Dhun Sing, with a Thousand Matchlocks, had taken Post in the Jungul of Busti, and that he had moreover sunk all the Boats in the River. I halted Six Hours at Busti, searching after Boats; at last I procured a very small one, and when I was about to cross, the Subadar Bejysing arrived, after a March of Twenty Coss, in which March a Sepoy and Three Horses were killed, and Four Sepoys wounded. Bejysing desired I would stop for Two or Three Ghurri till his People had ate their Victuals, for they had marched Twenty Coss. At the Time that Bejy Sing's Sepoys had untied their Cummurbunds, [laid aside their Arms] the Country People, with Bauboo Dhun Sing, came and surrounded us in the Village of Busti, in consequence of which, I resolved to seize upon the Fort of Busti, and take Post there. The Subadar of the Artillery before mentioned, and others of the People, said, "Accounts have arrived from the Bagum that all the English are cut off;"

off: Why will you seize upon the Fort and take Possession of it?"—I desired the said Subadar to join and support me—he replied, "Whoever is appointed Aumil of the Purgunnah I will join him—I will not go with you." At this Time a Man arrived, and brought News, that Mr. Gordon was at Sunjur Ghaut, in the Purgunnah of Ruddowli; so I marched to Mur Gunge, intending to go from thence to the said Ghaut, and I sent a Sepoy, naked, to obtain Intelligence of Mr. Gordon. The said Sepoy returned, and brought Word that Mr. Gordon and the Subadars and Jummadars were imprisoned at Tundah by Orders from the Begum; that many of the Sepoys had deserted, and several had been killed: When I heard this News, and that the Ghauts on the River were shut, and that the Rajahs, with Six thousand Matchlocks, had surrounded Ahlaud Sing in the Fort of Goruckpour, with an Intention to set the Burgomauls at Liberty; I determined to march to Goruckpour: On the Road, News arrived that through the good Fortune of our Masters, all the Country People had been put to Flight, and that Ahlaud Sing had obtained the Victory; in consequence of which I went to Muckhur, and there I saw that all the Purgunnah Aumils of that Country had taken Shelter in the Monument of Kubbardaus; from them I learned, that it was the Bagum's Orders to cut those who were connected with the English, in such places wherever they might be found: I also heard that the Rajah Cheit Sing had destroyed all the English Troops, and that Three of the English had been killed; it was also reported, that the Authority of the Nabib Saadul Alli Khaun and the Bagum was established throughout all the Country. I marched from Muckhur, and arrived at the Fort of Goruckpour. After this a Letter came from Baboo Achate Sing to Ahlaud Sing, to this Purport, "Deliver over the Burgomauls to me, and I will cause you to be conducted wherever you think proper to go; or (if you think proper) enter into my Service, for you have no Master; why will you give yourselves up to Destruction?" We and Ahlaud Sing sent a verbal Answer, "That the Fortune of our Masters was on our Side; if he thought proper he might come; that while we had Life we would not give up the Burgomauls, but that we would put them all to the Sword." We wrote an Account of those Things to the Colonel, and received the following Answer, *that we should maintain our Post in Fort, and that we should march toward him with the Captain* (when he arrived.) It was now known that the Captain intended to march to Benares by the Road of Nuddi Kaunaon; but that the Grenadiers had mutinied, and obliged him to return: It was also heard that Futtek Shahi, and Khenoo Raie, and Rajah Achate Mull, &c. had resolved to attack the Captain, because *Letters had come from the Rajah Cheit Sing to all the Zemindars, to this Purport, "Wherever there are Dependents of the English, kill and drive them out."* It was moreover reported, that when the Captain marched to Kunkooa, on his Way to Benares, the Grenadiers made a Disturbance, and demanded their Pay: That he gave Three Months Pay to the Sepoys, to prevail upon them to march with him to Benares, but that those Cowards would not consent; they said, We will not go to Benares: *We are the Servants of the Bagum and Saadut Alli Khaun; we will deliver up our Guns and our Arms at the Gate of the Bagum.*—Without Remedy, the Captain was obliged, by the Disobedience of his Troops, to march to Goruckpour, where we joined him; moreover Philusvaun Sing, the Brother of the Rajah Suebaun Sing, came with a Thousand Matchlocks, and he and the Inhabitants of Goruckpour raised a Clamour, demanding that the Captain should march from thence, and they killed the Brother of the Chowdrie of the Bullock Men, who went into the Town to buy Fodder. At this Time Half the Troops had crossed the Raubti, when the foregoing Accident happened; the Captain marched by the Way of Baunsi. After our Arrival at Baunsi, it rained Six Days without Intermission. The Ranni of Baunsi came to see the Captain, but her Son stood prepared for Hostilities. After Six Days, we marched from thence to Rurtaul Bukhura, from thence to Dummurea Gunje; marching from thence, we halted at Chundurdiap for Two Days; when we marched from thence the Captain went on in Front, Kurdeaul, Commandant, was in the Rear; a Skirmish ensued between him and the Country People, Two of them were taken Prisoners, and One was killed by a Musket Shot. We marched from thence to the Nallah of Attrouleh, Three Cos to the Westward; we marched from Attrouleh, and were opposed, near Bulrampore, by about Two thousand Country People; but when the Battalion and Gun were drawn up fronting them, they gave way and fled; the Road cleared, we marched, and encamped at the Nudde Kewabeh; we continued there one Night, and marched to Conedeh. When we arrived at Garedeh, the Country People quitted our Rear. This is a true Account which is written.

(Signed) Denas Sing.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.



N<sup>o</sup> 3.

N<sup>o</sup> 13 a.

TRANSLATION of the Deposition of Raum Sing, Jammadar.—The Deponent sworn before Chief Justice Sir Elijah Impey; November 26th 1781.

The Rajah Futtah Shaui, and Khenas Raie, and Achate Mull, united themselves all Three together, and bound themselves by Oath; and these were the improper Resolutions which they had agreed to; that they would cross the River Ghagga, and establish their own Authority there, for Letters had arrived from the Rajah Cheit Sing at Benares, in which he said, "all the English are cut off; the Government of the English is overturned; I have taken Possession of the Country; do you, the Zemindars, establish your Authority also in those Districts!"—It was likewise publicly reported, that the Rajah Cheit Sing had sent Fifteen thousand Rupees in Specie to the said Zemindars, to raise Men, and kill and drive out the Dependants of the English wherever they might be. It was reported that Colonel Hannay and Captain Williams were in Confinement; the Rajah Fetteh Shaui came to inform himself of this; but not obtaining any certain Intelligence, returned, and determined to go to Kunkooa, to cut off the People and plunder the Place. At this Time the Captain returned from Lucknow, and arrived at Kunkooa. I also arrived at Kunkooa agreeably to Orders. In the Evening he informed all the Subadars and Jummadars and Sepoys, that they were to march towards Benares the next Day. In consequence of which the Sepoys went to the Subadars and said, that they had no Money. The Subadars replied, their Pay was in Sarcers, if they could get it they might take it. Early the next Morning we marched, the Companies faced to the Right. Four or Five of the foremost Grenadiers stepped out, surrounded the Captain, and said, "Give us our Pay and we will go with you;" the Captain replied, "You are only Four or Five Men, take (your Pay) and I will pay the Battalion when we arrive at Burrageongee," which is only Eight Cofs from Kunkooa. The Battalion had gone on about a Cofs. On hearing the above, a Number of Sepoys returned, and loaded their Pieces, and fixed their Bayonets, and pointed them at the Captain; in consequence of which, he recalled the whole Battalion, and told them to take their Pay and march with him to Benares; to which they all agreed; but when the Captain had given them Three Months Pay, the Men who were the Mutineers raised a Clamour (and said) "we will take our Arms and the Gun to the Chuklehdar, and receive our Pay from him, for the Chuklehdar is a Servant of the Bagum's, and we also are the Bagum's Servants;" and Saadut Allis the Captain said to the Commandant and the Subadars, "I have paid them all, what then is the Cause of this improper Behaviour?"—but what he said had no Effect upon them; however much he urged them to march to Benares, they still refused, and only said, "that they would go to Bungelah, and attend the Bagum and Saadut Alli Khaun; and that if the Captain attempted to escape, they would put a Guard over him, and deliver him up there." Without Remedy, the Captain marched this Way. That which was true has been written.

(Signed by) Raum Sing.

A true Copy.

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

N<sup>o</sup> 14 a.

TRANSLATION of the Deposition of Hurdeaul Sing, Commandant.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

The Servant Herdeaul Sing, Commandant of Major Macdonald's Battalion, gives the following Account. I was stationed in the Pergunnah of . . . . . in the District of Nurrain Battaol, with two Companies of Sepoys of Captain Williams's Battalion, Three hundred and Fifty Najub and Schbundi Men, and One Gun, and acted in the Business of the Surcar agreeably to my Orders. From the 15th of Rummuzau I received several Letters from Mahummud Shiffee Khaun, the Chuklehdar, and from the Captain, who were then at Kunkooa, to march speedily with my Force and join them, for that the Power of the turbulent Country People and Rajas was become excessive. At this Time I collected together the People who were stationed at different Places; and on the 19th of the said Month, notwithstanding the Waters were very much out in the Road, I marched toward Kunkooa. When I arrived at Raum Kolah, which is about Fifteen Cofs from my Station, I heard, from the general Reports of the People, that the Rajas Achate Mull, and Futteh Shaahi, and Khenao Raie, who had been expelled from their Zemindaries, and resided with the Raja Cheit Sing in the Country of Benares, had all Three, by Orders from Saadut Alli Khaun and Raja Cheit Sing, marched from thence, and crossed the Ghagra, and taken Possession of their Lands; and that the Raja Cheit Sing had assisted the said Rajas with Five- and twenty thousand Rupees to drive out the English, [directing] that they should drive them and all their Dependants out of their Districts. When I came to the next Stage, I heard that the Grenadiers, who were with Captain Williams at Kunkooa, had mutinied, and confined the Captain, and cruelly beat his Moonshce; that they had got their Pay, and intended to go off to the Vizier's,

Vizier's, and that no one attended to the Orders of the Captain. As the Companies with me had been informed of these Circumstances, I soothed and persuaded them not to think of acting in such a Manner; that Pay was never withheld or lost in the English Service; that they would receive every Daum of that which was due to them; but that it would be improper for them, at that Time, to act as others had done. The Sepoys assented to what I had said, and, notwithstanding the Opposition of the Country People on the Road, we arrived in Safety, and with the greatest Expedition, at Kunkooa, and attended the Captain and the Chuklahdar, and I then saw with my own Eyes what I had before heard on the Road. The Captain said, when I went to him, "You have without Doubt heard how Things are here; what are the Intentions of the People with you?" I said in Reply, "that the People along with me, both the Sepoys, the Nujjub, and the Schbundi Men, had no other Intentions but those of obeying his Orders; and that he might, at all Events, make himself easy as to those Men." The Captain then said, "It was my Intention to have taken the Grenadier Companies and the Two Guns, and to have marched to Benares, and joined the Governor, by the Way of the Nuddi Kaunaon; and to have chastised the Three Rajas, with whom we should have fallen in on the Road, but the Grenadiers would not consent to this; do you inquire of them, what their Intentions are." Agreeably to the Orders of the Captain, I went at Night to the Line to the Subadars and Jummadars and Sepoy Grenadiers, and asked what they wished for and intended. The Sepoys all replied, "If the Captain resolves to march to the Eastward, not one of us will go with him; moreover, we will march early To-morrow Morning to the Westward, to the Vizier, whoever chuses to go that Way may accompany us." The Two Grenadier Subadars then told me to go to my Tent, for that these Matters the two Companies had already talked upon with the Captain. I again endeavoured to prevail upon the Sepoys and Subadars, and told them to continue, and set their Minds at rest; that I would go and speak to the Captain; that, if he approved of it, he would take them with him, and march to the Westward; that at all Events it would be better to obey him. At last I soothed and appeased them, and went to the Captain, and told him what had passed. After this, the Captain ordered me to go to Mahumud Shuffie Khaun the Chucklehdar, and tell him to prepare to march. I went to the Chucklehdar, and delivered the Message; in answer, the Chucklehdar, who had sent a Person named Munshan Raum, on his Part, to the Rajahs Achate Mull, Futteh Shaai, and Khenso Raie, beforementioned, on a private Business, made the Want of Cattle for his Baggage an Excuse; and desired that we would halt Two or Three Days longer, and that he would then collect Beasts of Burden, and march. The said Chucklehdar told me the next Day, and told the Captain also, that a Man of his was returned, and had brought Information, that Four Companies of Sepoys and Four Guns were come from the Rajah Cheit Sing, to the Assistance of the Rajas Achate Mull, Futteh Shaai, and Khenoo Rai; and moreover, that they would cross the Ghograh and join them that Day. At length, Two Days after my Arrival, our whole Force marched towards Goruckpour; and, notwithstanding the Rajas and the Country People molested us on all Sides on the March, and the Waters and Nullas were out, yet in Six Days we arrived in Safety at Goruckpour.—There I heard from the People, that Orders from the Begum had arrived to all the Rajas of Purgunnahs, not to permit any English Gentlemen, or any of their Dependants, to pass in Safety through their separate Districts; and that they had surrounded Ahlaud Sing, Subadar, who was stationed with a few Sepoys in the Fort of Goruckpour; but that, through the good Fortune of our Masters, the Enemy was repulsed and obliged to retire; that no English Letters, or others, or Hurcarrahs, were permitted to pass; and that, if the Country People discovered any English Letters or others in the Hands of Hurcarrahs, they scourged them with the greatest Severity. In consequence of these (Accounts) the Captain sent for me, and said, "The People have raised great Disturbances in the Country beyond this; no Grain will arrive, therefore we must buy Grain here, and carry it with us." In the Space of Eight Days Grain was procured for the March, and Bullocks got together, and in Four Days, notwithstanding the heavy Rains, we crossed the Raubti, and marched towards Sukrorah: From the Day that we arrived at Baunsi, for Six Days, such heavy Rains fell, both Day and Night, that no one had the Power to stir from his Place. Without Remedy, we halted during that Time, and on the first Day that the Rain subsided we marched, and in Two Days arrived at Dummurea Gunge. At that Place there was a Nulla in the Road, which was overflowed by the Rains and stopt our Progress; and we were at last obliged to halt there One Day to make a Bridge, over which the Troops were passed. While we were crossing, the Country People showed themselves, but were repulsed and obliged to retreat.

We proceeded from thence the next Day, and March after March to Bulraumpore. As the River Kuwannah crossed our Way at that Place, we were obliged to halt there for One Day; at last we passed that River in Safety, and by repeated Marches arrived at Sukrorah. This Account knowing it proper, is written according to the Truth.

(Signed by) Hurdeaul Sing,  
and sealed with his Seal.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.



# A P P E N D I X, N° 1.

N° 3.

N° 15 a.

TRANSLATION of the Deposition of Berjesing, Subadar.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 26th 1781.

On the 13th of Rummuzau I received Orders from Mr. ——— to join Mr. Gordon at Taundeh, and to deliver over the Gun and the Burgomauls to Kaumdaur Beg. Agreeably to Orders, I delivered over the Gun and the Burgomauls to Kaumdar Beg, and set out. When I arrived at Nauraad the Hooli Rejoicings had commenced; and the Country People gathered together on all Sides, and surrounded me. Making an Effort, I pushed on from thence about a Cofs; but the Enemy were now increased to a prodigious Number. Till Nine o'Clock at Night they continued to insult us; and when the Moon got up, they began to fire with Matchlocks; and they said, "You have struck off the Head of the Raja Jigut Sing; where will you go?— we will strike off your Heads in Return. It is the Orders of the Bagum, that whoever strikes off and brings in the Head of an Englishman, shall receive a Reward of a Thousand Rupees; and for the Head of a Subadar or Jummadar a Hundred Rupees; and for every Sepoy's Head struck off and brought, that a Reward of One Rupee shall be given."—The Attack continued through the Night; One Sepoy was killed, and Seven Men and Three Horses wounded, of my Party. The Country People said, "Give up your Baggage, and your Arms, and Coats, and go naked where you please:" But I stood firm, and we fought with them, and marched on, Night by Night, to Baunsi, where we were quitted by the Enemy. Having joined Dhoon Sing, Subadar, at Baunsi, we marched from thence with him. This which is related is true.

Signed by Beig Sing,  
and sealed with his Seal.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 16 a.

TRANSLATION of the Deposition of Merun, Moonshee to Mr. Gordon.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 16th 1781.

I Merun, &c. considering God and the Prophet of God as present, do swear upon the sacred Koraun to the following Facts which I give in Writing:—That on the 7th of the Month of September, Mr. Gordon, with Four Companies of Sepoys, and a Hundred Horse of the Ruffauleh of Ruzza Beg Khaun, did march from the Ghaut Jechaora for Taundeh; and at that Time, from our setting out till our Arrival at Taundeh, Thousands of Country People assembled together, and attempted to cut off the Troops and the Baggage; so that there was a continued Action, both with Swords and Musketry, all the Way.—As the Order of March was well regulated, and the Sepoys were not deficient in Firmness and Resolution, many of the Enemy were killed; and on this Side, not a single Article of the Property of any one was plundered; Mr. Gordon conducting them all, together with the Whole of the Baggage, in perfect Safety to the Nulla of Teerah, which runs beneath Taundeh. On our Arrival there he intended to cross the Nulla, and encamp at Taundeh; and he gave Directions for the Troops to pass over. When they were about to cross (it appeared that) all the Boats were on the opposite Side of the Nullah; and the People of the Taundeh Foujdar, whose Name is Shum Share Khaun, stood Guard over the Boats, and said, "It is the Orders of the Foujdar, that the Boats shall not pass over to that Side."—When Mr. Gordon heard of this, he wrote a Letter to the Foujdar, and sent it by a Hurcarrah. The Contents of the Letter were: "I am a Servant of the Noovaub, and am going to join the Army by his Orders; where is the Propriety of shutting up the Ghaut, and refusing to permit People to pass?"—The said Hurcarrah took the Letter, and went to the Ghaut, and endeavoured to get over, but the Foujdar's People would not allow him to cross.—When I saw that they would not permit the Hurcarrah to pass over, I gave Mr. Gordon's Letter to a Servant of the Foujdar's, who had swam over to our Side of the Nullah to see one of his Friends; and I told him to convey it, by some Means or other, to the Foujdar. He put the Letter in his Turban, and swam back across the Nullah, and delivered it to the Foujdar, who read the Contents, but returned no Sort of Answer. At the Time when the Letter arrived, Mirza Ruzza Bey Khaun, Ruffaulehdar, who by Chance had arrived alone on some Business, and had crossed over before this Affair, was sitting by Shumshare Khaun, and is an Evidence that the Letter arrived. The said Mirza declared to me, and confirmed it by Oaths, that the Letter came to the Foujdar when he was present; and that, although he endeavoured to persuade him, it was to no Purpose. At last he sent for Three Guns, and some Tomeens of Matchlock Men, who were stationed at Taundeh; and

# A P P E N D I X, N<sup>o</sup> 1.

and he pointed the Guns across the Nullah at the Troops, and stationed the Men at the Ghaut, and ordered them not to permit a single Person to cross. In consequence thereof the Foudjar's People stood at the Ghaut, and used insulting Language; and said, that if any one attempted to cross the River, they would fire upon him. When Mr. Gordon saw this, that no Answer to his Letter had come from the Foudjar, and that his People were inclined to Hostilities, he directed me to go and explain Things to Shumshare Khaun, and persuade him to desist from such improper Conduct. According to the Orders I had received, I went to the Ghaut, and demanded a Boat, and said that I was sent by Mr. Gordon to the Foudjar on Business, and desired that they would allow me to cross over alone; but they would not listen to me, or send a Boat to carry me over. Without Remedy, I returned to Mr. Gordon, and informed him of the Behaviour of the People at the Ghaut. He said, "If they will not give you a Boat, it is no Matter; mount an Elephant, and swim him over."—I obeyed, and mounted an Elephant, and went and endeavoured to push the Elephant into the Nulla. The Foudjar's People at once levelled their Pieces at me, and said, "Beware—if you drive the Elephant into the Nulla, we will fire upon you, and kill you per Force."—I returned to Mr. Gordon: It was now almost Sunset. When the Country People saw this Affair, that the Foudjar of Taundeh was our Enemy also; that he had shut up the Ghaut, and would not permit us to pass, they charged us on all Sides. Our Sepoys seeing Thousands of the Country People assembled on one Side, the Ghaut shut up, and Shumshare Kaun disposed to Hostilities on the other; and being also much exhausted by the Skirmishing and Labour on the March, gave up their Resolution and Firmness at once; and throwing aside their Arms and their Coats, disposed themselves to Flight; and notwithstanding Mr. Gordon used every Means of Persuasion, both to the Sepoys and their Officers, no one either heard or obeyed him, until Mr. Gordon was left with only Ten Men and the Baggage; all the rest were fled. At this Time Kaubi Pershaud, a Bengali of Mr. Scott's, who was stationed at the Kotie, by a Thousand Intreaties and Supplications, obtained an Order to send One Boat from the Foudjar, and sent it over. Mr. Gordon then saw that none of his People had remained with him; that continuing there alone was to no Purpose, and therefore was obliged to cross over. All his Baggage, and the Baggage of his Servants and Followers, was plundered; that which they carried over with them when they crossed, and delivered into the Hands of the Foudjar's People, who promised to protect it, was afterwards taken by them, and never returned. Some Days after, some Firelocks were produced from the House of the Foudjar; and many of the People's Effects were seen there; but the Foudjar's Men did not deliver them up. In short, this is the Substance of the Affair which happened at Taundeh; and I have wrote this Account upon Oath, that whoever reads it may know it to be true. Written with my own Hand.

N<sup>o</sup> 3.

(Signed) Moonshce Merun.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N<sup>o</sup> 17 a.

TRANSLATION of the Depositions of Meer Ahmud Ally, Subadar in the Battalion of Captain Williams, and Doond Sing, Subadar.—The Deponents sworn before Chief Justice Sir Elijah Impey, November 26th, 1781.

We, Meer Ahmud Ally, Subadar in the Battalion of Captain Williams, and Doond Sing, Subadar of Grenadiers in the Battalion of Major Macdonald, do swear (one) upon the sacred Koraun, and (the other) by the Ganges, &c. to the (Truth of the) following Deposition, which we give in Writing, That on the 7th of the Month September, Mr. Gordon, with Four Companies of Sepoys, and a Hundred Horse of the Ruffauleh of Ruzza Beg Khaun, did march from the Ghaut of Ichoorau toward Taundeh, and we (the Deponents) were along with him. From our setting out, till our Arrival at Taundeh, Thousands of Country People surrounded us on every Side, with Intention to cut off the Troops and the Baggage; so that we were continually engaged both with Swords and Small Arms the whole Way; but as the Order of March was well regulated, the Enemy could not succeed in their Attempts upon the Army. After skirmishing throughout the whole March, by which several of the Enemy were killed, we arrived in Safety, about Two o'Clock in the Afternoon, on the Bank of the Nulla of Turah, which runs beneath Taundeh; after our Arrival there, Mr. Gordon wanted to cross the Nulla, and halt in Taundeh, and he gave us Orders to cross the Nulla. We attempted to pass over, but the Phouzdard of Taundeh, by Name Shumshare Khawn, hearing that Mr. Gordon was about to cross the Nulla, prepared Three Guns, and Three or Four Tomuns of Matchlock Men, who were stationed with him, and posted them at the Ghaut, and they pointed the Guns toward the Troops of Mr. Gordon; and the Foudjar gave Orders not to permit a single Man belonging to that Gentleman to cross. Although Mr. Gordon wrote a Letter to the said Foudjar, it made no Sort of Impression upon him; at last the Evening came. It happened that Ruzza Beg Khawn had arrived

## A P P E N D I X, N° 1.

N° 3. arrived alone on some Business, before this Affair, and crossed over to Taundeh. The Cavalry belonging to the said Ruffaulehdar, before any one else, swam their Horses across the River, and fled. The Sepoys seeing Thousands of Country People advancing, on one Side; the Ghaut shut up by the Foujdar Shumshare Khaun, who would allow no one to pass, on the other; and that the Cavalry who accompanied them were dispersed and gone; gave up at once their Steadiness and Resolution, and taking off their Coats, and throwing down their Arms, turned themselves to Flight, until Mr. Gordon was left with only Ten or Eleven Men, for all the rest had fled. At this Time Khauli Purshaud, Mr. Scott's Bengali, who resided at the Cotty in Taundeh, by a Thousand Supplications and Entreaties, obtained an Order from the Foujdar for one Boat, which he sent over. Mr. Gordon was then alone on the Bank; he was forced to cross; and all the Baggage belonging to him and Followers was plundered.

(Signed by)

Meer Ahmud Ally,  
and Doond Sing.

A true Copy from the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 18 a.

TRANSLATION of the solemn Declaration of the Ranni Goolaub Koour, made on the  
12th Day of November 1781, before Chief Justice Sir Elijah Impey.

On the 27th of Shaabun, Sunday, the Chiefs who came to Raumnuggur from Lutteef Ghur, appointed by Raja Cheit Sing, were Muchundi and Rhaum Buhoh, and Blumun Sing, and Culliaun Sing, and Baut Kishun Huzzari, and Suddar Sing, a Follower of Raum Jeawein, and Raum Shewuh, a Follower of Ycaub Sing, and Dildar Hoofein Khaun, and Nuzzar Ahhruff, with their own Parties.

On the next Morning, which was Monday the 28th of Shaabaun, the above-named Chiefs had an Engagement at Raumnaggur, with the Companies which came from the Fort of Chunar; at Two Phers and a Half of the Day, (12 P. M.) those Companies were defeated, and the Intelligence was immediately sent to Lutteef Ghur; and at one Phur of the Night, (Nine o'Clock) Bauboo Soojaun Sing having left Lutteef Ghur, with Gholaum Hoorein Kaun, and Tyze Ulla Khaun, arrived that same Night at Raumnaggur, when two Gurries of it remained.

Tuesday the whole Day he was employed in Preparations, and in stationing the above-mentioned Chiefs, and in loading Bamboo Ladders on the Boats, and Guns upon the Pinnacle. And he gave Orders to the Chiefs and the Troops, that at Twelve at Night, on Wednesday, they should cross and attack the Governor General, and the other English Gentlemen who resided in Mhadoodans's Garden. All the Inhabitants of Raumnaggur, as well as me, saw and heard these Particulars.

The Ranni's Signature.

With respect to Cheit Sing's having, from of old, an improper Correspondence with the Begums at Lucknow, and the Rajah of Bhiraiche, and Goruchpour, the Declaration of the above Ranni is as follows: Since Two Years, on account of the Enmity of Cheit Sing to me, I had left Raumnaggur, and resided in another Dwelling; and Cheit Sing had always acted towards me with such Enmity and Opposition as cannot be described; how, therefore, should he have acquainted me with his Correspondences?—but I have heard from Report, that he had in many Places improper Correspondences. However, it is very plain that he had an Enmity towards the Governor General; because, whenever he learned any thing to the Prejudice of the Governor, from the Letter of his Vakeels, or the Reports of ill-designing Persons, he used to rejoice:—this is known by all the Inhabitants of Raumnaggur. Accordingly, when the Governor General was lately coming from Calcutta towards this Quarter, the Raja and his Companions used to say, “the Governor has been displaced, and is making his Escape to “ Hindostan.” Besides, from the Raja's going to Buxar to meet him, with the greatest Preparations, his Intention plainly appears.

(Signed by the Rani Goolaub Koour.)

# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 19. a.

N<sup>o</sup> 3.

**TRANSLATION** of the Deposition of Gudjrauje Sing.—The Deponent sworn before Chief Justice Sir Elijah Impey, November 12th 1781.

I Gudjrauje Sing, the ancient Kellaadar of Raumnuggur from the Time of the deceased Rajah Bulwund Sing, do declare and give in Writing without Reserve, (considering God to be present and a Witness) all that I have done, seen, or heard, to the following Effect :

On the Day that the Engagement happened between the Forces which came from Chunar and the Troops of Rajah Cheit Sing, I was in Readiness in the Fort of Raumnuggur, with the Burkundauzes with their Matches lighted. When the Chunar Army had been defeated, a Budgerow from the Westward came near the Gaut of Bukshi Suddanund. Having observed it from the Fort, I went out by the Wicket Gate, which is to the Southward, with Seven or Eight Burkundauzes; the Powers, and other People belonging to the Budgerow, on seeing this, leaped into the Water, and the Gentleman was killed by the Stroke of a Sword from the Men who accompanied me. About this Time I received Intelligence that the Rajah's Cavalry, who opposed the Chunar Army, had fled; upon this I was greatly confused, and was desirous of carrying the Budgerow under the Fort, but the People of Bukshi Suddanund took Possession of the Budgerow, and declared that they would keep it, as it had come to their Ghaut. Two Burkundauzes brought from the Budgerow Two Muskets and some Cloths, and of my People took One Musket, whilst the Burkundauzes took more Cloth and Arms. From thence I went to my Charge in the Fort.

My further Deposition is as follows:—On the Night of the same Day that the Army from Chunar was defeated, about Two Ghurries of the Night remaining, Bauboo Soojaun Sing arrived from Lutteefghur, at Raumnuggur. I heard from several Persons, that the said Bauboo had given Orders to his Troops and Chiefs, to make a Night Attack on the Governor General, and the other Gentlemen who were in Mhadoodaus's Garden. Accordingly, he employed his Troops in bringing Bamboo Ladders, and loading them on Boats, and every one was preparing for the Attack.

I swear, that whatever is written in this Paper is true.

(Signed by) Gudjraje Sing.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

A.

N<sup>o</sup> 4.

Captain William Davy, private Persian Translator to the Honourable Warren Hastings, Esquire, Governor General of Fort William in Bengal, &c. &c. maketh Oath, and saith, That he understands the Language spoken by the Deponent, Hindoo Sing; and that he faithfully and truly explained to the said Deponent the Contents of the annexed Affidavit, in the Hindostan Language, being the Language of the said Hindoo Sing, before the said Hindoo Sing had sworn the same.

(Signed) Will<sup>m</sup> Davy.

Sworn before me, this 12th Day of  
December 1781.

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

B.

The Deposition of Hindoo Sing, Adjutant at Buxar, says, That the People under the Government of Cheit Sing gave many Proofs of their Disaffection to the English—That about Two Months before the Arrival of the Governor General at Buxar, Two Sepoys belonging to the Fort of Buxar obtained Leave of Absence, and did not return—That Soojaun Sing, the Brother of the Rajah Cheit Sing, took them into his Service, and made one of them a Havaladar, and the other a Naig—That he received undoubted Information, which was afterwards confirmed by Desertions from the Garrison, that Soojaun Sing tutored the Two Deserters to entice away the English

SUP. SEL. COM. REP. II.

Qq

Sepoys

**N<sup>o</sup> 4.** Sepoys from Buxar, promising to make them Havalgars and Officers if they would enter into his Service; in consequence of which, Seven Sepoys deserted, and entered into the Service of the said Soujan Sing; and that many more would have followed, but that proper Measures were taken to prevent them. The Deponent also says, That long before this, when Sir Eyre-Coote was on his Way to Lucknow, Three Sepoys were sent to purchase Grain at Balleah, in the Country of the Rajah; that they applied to the Foujdar of the Place for his Assistance in purchasing the said Grain; which he not only refused, but caused them to be beaten almost to Death; that their Turbans and Bayonets were taken away; and that no Satisfaction could ever be obtained for this Injustice and Insult to the English Government, nor was the Foujdar called to Account for his Conduct. The Deponent further says, That when the Rajah came to Buxar to meet the Governor General, he had with him a Fleet of Boats, in Number of Eighty or Eighty-five, on board which were embarked, according to the Information which he obtained, Two thousand or Two thousand Five hundred Men, Sepoys and Matchlocks, with Four Guns; that he came to, and encamped on, the Northern Side of the River, opposite to Buxar; and that he had several Bodies of Cavalry on the Road, on the same Side of the River—Says, that the Rajah came to Buxar to see the Governor General; that he brought with him only Fifty or Sixty People, but that they were all his Relations and particular Friends, on whom he depended; and that they were all armed. The Deponent further says, That when Hostilities commenced between the Rajah and the English, the Sepoys and others who happened to be in the Rajah's Country, were all driven out, and the Road on both Sides the River so completely shut up, that no Individual could pass—That Four or Five thousand Matchlock Men were to be collected by Two Brothers, Deir Sing and Beir Sing, at Seringa, agreeably to Orders from the Rajah; and that the said Rajah wrote Directions to the said Deir Sing and Beir Sing, and to the Kellaakdar of Seringa, to reduce the Fort of Buxar, and to establish his Government in that Country.

The Deponent further says, That about Twelve Months ago Three European Gentlemen were attacked at Beerpoor, in the Country of the Rajah, about Five Cos from Buxar; that One of the Gentlemen was desperately wounded; that a Serjeant, a Jummadar, and Fifty Sepoys, were sent from Buxar to seize the Zemindar, but without Effect—That Complaints were made to the Rajah, but no Redress could ever be obtained.

(Signed by) Hindoo Sing.

Sworn before me (the Contents being first explained to the Witnesses by William Davy, Esquire, in the Hindostanee Language) this 9th Day of December 1781,

(Signed) E. Impey.

A true Copy of the original Translation.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

**N<sup>o</sup> 5.**

**A.**

Captain William Davy, private Persian Secretary to the Honourable Warren Hastings, Esquire, Governor General of Bengal, &c. &c. upon Oath faith, That he is acquainted with the Language spoken by the Persons who made the annexed Depositions, verbally, from each of said Deponents his separate Deposition; and that he has rendered them faithfully into English, to the best of his Knowledge and Judgment; and that he has faithfully explained to said Deponents, in their own Language, to each his proper Deposition, the Contents of said annexed Deposition.

Sworn before me this 3d Day of  
December 1781,  
(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

DEPOSITION of Sheik Mahmud Amein Mhieer, late a Commandant in the Service of Cheyt Sing.

Upon his Oath says, He was the Servant of Cheyt Sing; that he commanded a Battalion of Eleven hundred and Fifty Sepoys in his Service; that he accompanied Cheyt Sing when he went to Buxar to meet the Governor General; that there was with Cheyt Sing at that Time; the following armed Force, Two hundred and Twenty-eight Sepoys under the immediate Command of this Deponent, Six hundred Matchlock Men under the Command of Supusun Sing, and Three hundred Peadahs, or Sword Men, called Huzzooei or Guards; that the abovementioned Troops accompanied the Rajah in Boats; and that the said Rajah Cheyt Sing was also attended by a Body of Six hundred Cavalry, under different Leaders; that the Cavalry marched down on the Southern Bank of the Ganges, and directed their Movements by the Motion of the Fleet of Boats in which the Rajah and his Infantry were embarked: That when the Rajah Cheyt Sing arrived at Gauzeepoor, he was joined by Ballumdaus the Aumil, and the Dewan Ruggoobur Dial; and that when he proceeded on from there, a Detachment of Cavalry and Matchlock Men (stationary Troops at Gouzeepoor) in Number about Five hundred, accompanied the Rajah, marching along the Northern Bank of the River in the same Manner as the Troops on the opposite Side, moving when the Fleet moved, and halting when they halted; that the Rajah arrived, and encamped on the Northern Side of the Ganges, opposite the Fort of Buxar; that the Governor General arrived at Buxar the next Day; that the Rajah crossed the River, and waited upon him; that he returned to his Camp, and about Three o'Clock in the Afternoon put his People and Fleet in Motion, returning as he had went, and the Troops on the Banks of the River accompanying the Boats; that the Governor General proceeded the next Morning, and came up with the Rajah at Zamunneah, about Twenty Coss from Buxar; that the Rajah again waited on the Governor General on board his Boat, and that the Governor General then proceeded on before the Rajah, the Rajah following at the Distance of Four or Five Coss, until they reached Benares; that the Governor General went to the Garden of Mahadoodaus, and the Rajah to Sewale Ghaut, his armed People taking their Station on the Neighbourhood; that his (the Deponent's) People did not arrive with the Rajah, but that he joined him with Fifty Sepoys, and took his Station near to Sewaule; that Two Companies of Sepoys also joined the Rajah from Ramnagur.—The Deponent further says, That on the Day that the Three Gentlemen and the Two Companies of English Sepoys came to the Rajah, and the Circumstance of his Arrest was known, the Rajah's People (who were then stationed round Sewaule) to the Number of about Four thousand, armed and prepared for Action; that at this Time Munear Sing, Sewamur Sing, and Runkoo Sing, went to the Rajah: That the Disturbance and Dispute at the Gate ran high, and increased every Moment: That the Huzzoorus, Peadahs, and others, with their Arms, got upon the Chuppers which were erected against the Wall on the Outside; that the Matchlock Men fired upon a Company who were without Sewaule; that the Deponent counted Seven Matchlocks which were fired, and saw a Sepoy fall by the First Shot; that the Moment the Firing was heard, the Rajah's People forced their Way Sword in Hand into the Sewaule, and cut the Gentlemen and Sepoys to Pieces; that the Rajah Cheyt Sing escaped during the Conflict to Ramnagur, and from thence to Lutteespoor.

The Deponent further says, That after the Detachment from Chunar were repulsed near Ramnagur and obliged to retreat, that Soujan Sing and the Bukhshee Suddaunund arrived with Troops at that Place, and that by Orders from the Rajah they prepared Scaling Ladders, &c. in order to make a Night Assault on the Garden of Mhadoodaus; that Boats were prepared, and Guns and Troops marched down to the Ghaut of Aul Sungum; that the Sepoys belonging to the Deponent refused to cross the River until they had obtained some Refreshment, having been without Food for Two Days; that the Night passed away without any thing being done, and that the Governor General on that Night quitted Benares, and arrived at Chunar; that Soujan Sing and Suddaunund Bukhshee wrote a Complaint to Cheyt Sing against the Troops under the Command of the Deponent the next Morning; and that Soujaun Sing sent a Company of his own Sepoys to take Possession of the Garden of Mhadoodaus; that they plundered the Property of the Gentlemen at that Place, and returned to Ramnagur.

The Deponent further says, That the following is, to the best of his Memory, a true List of the Forces with Rajah Cheyt Sing; those on the regular Establishment, those newly entertained; and those who came in to his Assistance.



# A P P E N D I X, N° 1.

N° 5.

## LIST of the Eftablished Forces in the Service of Cheyt Sing.

### Cavalry, Sepoys, Matchlock Men, &c.

	Number.
Cavalry	1,700
Body Guards, or select Troops, Cavalry and Infantry	700
Sepoys	1,150
Matchlock Men	1,800
Attached to Bullum Dans	800
With Soujaun Sing	500
Sepoys and Artillery Men with Two Guns	340
With Munnear Sing	700
<b>Total</b>	<b>7,690</b>

### Troops entertained after the Arival of Cheyt Sing at Luttufpoor.

First, entertained at Luttufpoor	Matchlock Men and Sword Men	2,000
Second, — Nujiceb	Sword Men from Lucknow	1,000
	<b>Total</b>	<b>3,000</b>

### Troops assembled from different Places.

Infantry and Cavalry with Juggurdeave Sing	500
Matchlock Men arrived with Bukht Sing, by Order from Rajah	1,200
D° with Gooman Sing, sent for by the Rajah	500
D° from the Foujadar of Bidduivy	1,000
Rarypoots of the Tribe of Kugbunfie from Kurraukut	3,000
With Dillun Sing, Foujdar of Mukurun Baudshaahpood Mate	1,500
Cavalry and Infantry arrived with Ruzza Rool Khaun	300
Raujpoots collected from Agoree and Purwah by Dea Lutchoo	500
D° of the Tribe of Cummur collected by Soojan Sing	1,000
Sword and Matchlock Men with Ranju Owun	2,000
	<b>11,500</b>

**Total Troops in the Service of Cheyt Sing** — **22,190**

To which are to be added Husbandmen and Adventurers who took up Arms, making the foregoing Number amount to near 40,000 Men.

(Signed) Shiek Mahmud Ameen Mhúcr.

Sworn (the Contents being first explained to the Deponent by William Davy, Esquire) this 3d Day of December 1781.

(Signed) E. Impey.

A true Copy.

E. Hay,

Sub Secretary to the Honourable Governor General and Council.

C.

DEPOSITION of Sheik Hussun Ullah, Jemmadar, relative to the Action at Sewaule Gaut, at which Period he was Havildar and Orderly with Lieutenant Stalker.

The Deponent upon his Oath says, He was one of those who attended Mr. Markham and Lieutenant Stalker when they went to the Raja Cheyt Sing at Sewaule Gaut, with about Fifty orderly Sepoys, armed with Swords only; that a short Time afterwards Two Companies of Sepoys arrived under the Command of Lieutenants Scott and Symes; that Mr. Markham returned from the Raja's with about Thirty of the Orderlies; that he, the Deponent, continued during the Whole of the succeeding Transaction near to Lieutenant Stalker; that he saw Lieutenants Scott and Symes enter Sewaule with their Swords drawn, and shortly after observed Guards posted in different Places, from which he discovered for the first Time that the Raja was in Arrest; that after the Departure of Mr. Markham there were present Messrs. Stalker, Scott, and Symes, with Seven or Eight Sepoys (Orderlies) attending just without the Apartment, where they were seated with the Raja; that several of the Raja's People, and all armed, to the Number of Forty, were seated without the Purdahs; that Centries were posted round the Building; and that the Two Companies remained without the Inner Gate; that many of the Raja's Peons, to the Amount of about



about Three hundred, were assembled in the same Place; that several Notes were sent off by Lieutenant Stalker, and One not received by him; that about Twelve o'Clock at Noon the Raja desired Permission to perform his Ablutions, which was refused, unless he would send for Water and perform them on the Spot, which he did accordingly; that before this Period, the Raja's People between the Outer Gate and that which led immediately to the Building, made Two different Attempts to force the Way through the Inner Gate, but were kept back by the Two Companies who were posted there; that Lieutenant Stalker once went himself to the Gate, and struck one of the Raja's People, who was endeavouring to force his Way in; that the Raja's People appeared to be highly irritated, and that the Subadars of the Companies found it necessary to fix Bayonets—Says, that Messrs. Scott and Symes accompanied Lieutenant Stalker on this Occasion, but that he, the Deponent, continued near the Raja with Three or Four Sepoys, by Orders of Lieutenant Stalker; that he nevertheless saw what passed through the Stone Lattice, which surrounded the Building; that at this Period the Raja sent his Buckshee to forbid his People from making any Disturbance, and the Affair subsided; that the Gentlemen returned to the Raja. This Deponent further says, That after the Raja had finished his Ablutions, he retired to a Stone Pavilion, or Sort of Bastion, to perform his Devotions; that Three or Four orderly Sepoys were directed to attend him at a small Distance, to observe his Motions (the Officers continuing in their Places); that at this Period a Chobdar (named Cheyt-Raum) came from Mr. Markham, and delivered a Message to Mr. Stalker; and that the said Chubdar afterwards went to the Raja Cheyt Sing, who was still at Devotions; that he appeared, by his Manner and the Loudness of his Voice, to be speaking insultingly and passionately to the Raja; that at this Period a Report of Matchlocks was heard, and One of the Subadars, Bishun Sing, called out to the Officers, that they were fired upon by the Raja's People from the Wall; that the Gentlemen started from their Seats and drew their Swords; that Lieutenant Stalker rushed forward towards the Gate, and that Lieutenants Scott and Symes attempted to follow him; that the Moment the Firing commenced from the Outer Wall, the Two Companies were attacked by the Three hundred Peons in the Space between the Two Walls with them; at the same Instant the Officers and their Orderlies were attacked by the Forty of the Rajah's People (said to be within the Building at the Beginning of this Deposition) that the beforementioned Subadar Bishun Sing forced his Way through the Inner Gate, with about Twenty Sepoys, to the Assistance of the Officers; that the Passage was soon stopped up by the Number of Dead and Wounded in the Gateway; that after the Communication was cut off, the Action was still continued both within and without; the Two Companies still fired upon from the Outer Wall; that the Deponent saw Lieutenant Stalker defend himself with great Resolution with a Sword, which he had taken from one of his Sepoys; that the Deponent himself in a short Time received several Wounds, and fell; that he fainted, and therefore has no further Knowledge of what passed during the Remainder of the Action, or how the Rajah made his Escape; that when he recovered his Senses he saw Lieutenant Stalker lying dead near him, with many of the Sepoys; that he heard a Firing, which one of the Wounded told him proceeded from a Company of Sepoys, who were driving off the Rajah's Matchlockmen; that he, the Deponent, continued on the Ground the whole Night, but was removed the next Morning to the Garden of Mahdoodas.

The Mark + Sheik Hussen Ulla, Jemadar.

Sworn before me (the Contents being first explained to the Deponent by W<sup>m</sup> Davy, Esquire) this 3d Day of December 1781,

(Signed) E. Impey.

A true Copy.

E. Hay,

Sub Secretary to the Honourable Governor General and Council.

D.

The DEPOSITION of Bishun Sing Subadar, relative to the Action at Sewaule Ghaut.

Upon his Oath, says, That in the Morning of -----, Lieutenants Scott and Symes gave Orders that Two Companies of Grenadier Sepoys should be got ready; that the Companies were immediately paraded, and that the above Gentlemen marched with them to Sewauli, where the Rajah Cheyt Sing resided; that Lieutenant Symes with One Company took Post within the First Gate; that the Company under Lieutenant Scott stationed themselves at the Inner Gate; that Lieutenant Stalker ordered him to post a Guard of a Havildar and Twelve Sepoys at the small Gate leading to the River, and another Guard at the Gate opening from thence into Sewauli; that he posted Guards as he was ordered; that he sent out a Havildar to see what Number of Men were within the neighbouring Gardens and Cantonments, and what they were about; that the Havildar brought back Information, that the Raja's People were all arming themselves, and

N<sup>o</sup> 5. loading their Matchlocks ; that he communicated this Intelligence to Lieutenant Stalker, and added, that the Rajah's People were certainly preparing to attack them ; that at this Period, the Rajah's Buckhshee arrived ; that he went in to Cheyt Sing, and ~~that~~ he saw him make a Motion with his Hand as one striking with a Sword ; that the Deponent saw this from the Inner Gate where he was standing ; that Cheyt Sing's People became turbulent, exclaiming on all Sides, that they (the English) had made their Rajah a Prisoner, and calling out to attack them ; that he found it necessary to order the Sepoys to fix their Bayonets, and that he sent Information to Lieutenant Stalker, that they were about to be assaulted ; in consequence of which, Lieutenant Stalker came out to the Place where Lieutenant Symes was posted with his Company ; that Lieutenant Symes, pointing to the Rajah's People with his Hand, told Lieutenant Stalker, that those People were going to attack him ; that Lieutenant Stalker spoke to the Rajah's People and returned, and that the Clamour in some Measure subsided ; that at this Juncture Munnear Sing and his Son Munkoo Sing, and Souamur Sing, arrived, and seated themselves by the Rajah ; that at this Instant, an Hircarrah brought Intelligence to the Rajah, that another Company of English Sepoys were coming from Murwarri, and that they were arrived near at Hand ; that at this Period, one of the Raja's Matchlock Men fired at the Company which was advancing ; that the Moment the Report of the Matchlock was heard, the Rajah's People within, who were alarmed, became very turbulent ; the Noise and Confusion increased, and Lieutenant Scott came out and enquired into the Cause of it ; that the Action immediately commenced within, and that Lieutenant Stalker called out to the Deponent to enter with his Company ; that he attempted to obey the Orders which he had received, but that the Attack at that Instant began without the Inner Gate also ; that it was no longer possible to enter with his Company ; that he nevertheless forced his Way in with about Twenty Sepoys ; that Nohun Sing, Subadar Moulnuvi, and Cheyt Raum (Mr. Markham's Chobdar) were first cut down ; that Munnear Sing struck at Lieutenant Stalker with his Scymetar, but without Effect ; that Lieutenant Stalker made a Thrust at Munnear Sing with his Sword, without Effect also ; that Lieutenant Stalker threw the Sword from his Head, and took a Scymetar from one of his orderly Sepoys, with which he continued the Action. That Nunkoo Sing afterwards made a Stroke at Lieutenant Stalker ; that the Rajah's People, who were now assembled in great Numbers both within and without, charged the English Sepoys Sword in Hand, and continued the Attack till Lieutenants Stalker and Scott with all the Sepoys were cut down ; that the Deponent's Arm was struck off by the Blow of a Scymetar ; that he received several other Wounds, and at last fell, and that he continued there among the Dead and Wounded, until a Company of Sepoys came and carried off those who remained alive.

The Mark of Beshun Sing Shubadar.

Sworn before me, (the Contents being first explained to the Deponent by William Davy, Esquire) this 3d Day of December 1781.

(Signed) E. Empey.

A true Copy.

E. Hay,

Sub Secretary to the Honourable Governor General and Council.

E.

#### DEPOSITION of Ruggoobur Sing, orderly Sepoy to Lieutenant Stalker.

The Deponent (upon his Oath) says, He went with Lieutenant Stalker and Mr. Markham, to Sewaule, where the Rajah Cheyt Sing resided, and that he went with him into the Prefence of the Rajah ; that shortly after Two Companies of Sepoys arrived, with Two Gentlemen, whose Names the Deponent does not remember, being a newly enlisted Sepoy ; that these Two Officers came in and continued with the Rajah and Lieutenant Stalker ; that he the Deponent was directed by Lieutenant Stalker to attend, with Three other orderly Sepoys, in the Apartment where the Officers were sitting with the Rajah ; that the rest of the orderly Sepoys remained without the Purlahs, which were let down in the Front of the Apartment ; that he was acquainted with what passed without the Gate, where the Two Companies were, or what People were there on Part of the Rajah. The Deponent does not recollect, nor can he, he says, relate the Circumstances which passed before the Attack commenced ; but in Reply to a Question put to him, Whether Mr. Markham's Chodbar, Cheyt Raum, spoke to the Rajah ? he says, That Chubdar brought a Note to Lieutenant Stalker at the Time when the Rajah's People without were endeavouring to enter ; that he delivered the Note to Lieutenant Stalker ; that at this Time the Noise and Confusion at the Gateway was very great ; that the Chubdar went from Lieutenant Stalker towards Cheyt Sing, who was then sitting at the Place where he performed his Devotions ; that he told him " to order his People to desist ; that he, (the Chubdar) was

# A P P E N D I X, N<sup>o</sup> 1.

"Cheyt Raum, and that the Rajah was but Cheyt Sing; and that if he did not make his People desist, he would confine him."—Says, He was an Ear Witness to the foregoing; that it was at this Moment the Firing ~~was~~ heard and the Attack began; that Lieutenant Stalker's Hircarrah had his Sword; that he called to this Deponent to give him his Sword, which he did, and stood behind Lieutenant Stalker by his Orders, with the Scabbard in his Hand, until that Officer fell; that he was soon after cut down himself; that he was deprived of Sense, and knows nothing of what passed afterwards.

The Mark of + Rüggoobur Sing, Sepoy.

Sworn before me, (the Contents being first explained to the Deponent by William Davy, Esquire) this 3d Day of December,

(Signed) E. Empey.

A true Copy.

E. Hay,

Sub Secretary to the Honourable Governor General and Council.

A.

N<sup>o</sup> 6.

Captain William Davy, private Persian Translator to the Honourable Warren Hastings, Governor General at Fort William in Bengal, &c. maketh Oath and faith, That he understands the Persian Language, and that the English Paper hereunto annexed, is a true and faithful Translate of the Persian Version of the original Hindoo Deposition, both hereunto annexed, to the best of this Deponent's Skill and Belief.

(Signed) Wm. Davy.

Sworn before me this 12th  
Day of December 1781,

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay.

Sub Secretary to the Honourable Governor General and Council.

B.

TRANSLATION of the Deposition of Kaunteh Daus, rendered into English from a Persian Version of the Original in the Hindoo Language, written by Buoni Mul, Moonshie, according to the Interpretation of Baboo Jugt Sing.—The Deponent, and the Writer of the Persian Translate, sworn before Sir Elijah Impey, one on the 2d, and the other on the 5th of December 1781.

On the First of the Month Rummuzau, Wednesday, in the 23d Year, Baboo Soojaun Sing, appointing Diaraum Ameen, sent him to Benares; Diaraum came, and made a Proclamation through the City, that whoever protected in his House the Dependants of the English, or the Property of the English, should be considered as a Criminal, and his House be seized.

Written by Kaunteh Daus.

A true Copy.  
(Signed)

E. Hay,

Sub Secretary to the Honourable Governor General and Council.

A.

N<sup>o</sup> 7.

Captain William Davy, private Persian Translator to the Honourable Warren Hastings, Esq; Governor General of Fort William in Bengal, &c. &c. maketh Oath and faith, That he understands the Hindostaun Language, being the Language of the Deponents Dadjou Sing and Govind Raum Missar; and that he faithfully and truly explained to the said Deponents,

# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 7. the Contents of the annexed Affidavit, in the Hindostaun Language, before they had sworn the same.

Sworn before me this 22d

Day of December 1781.

(Signed) W<sup>m</sup> Davey.

(Signed) Warren Hastings.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

## B.

Dadjou Sing, and Govind Raum Miffar, make Oath, according to the Practices of their Religion, and say, That about the 12th of the Month Bhadoo, the Deponent Dadjou Sing received a Purwannah or Letter from the Raja Chyte Sing, dated the 4th of the said Month Bhadoo; and that, about the 18th of the Month Shawwaur, the said Deponent received a second Purwannah or Letter from the said Raja Chyte Sing, bearing Date the 10th of the Month Showwawr; that both those Perwannahs or Letters were perused by the Deponent Dadjou Sing, and shewn by him to the Deponent Govind Raum Miffar, who read them also; and that the said Perwannahs or Letters were immediately sent to Mr. Græme at Chuppera, by the Deponent Dadjou Sing.

And these Deponents further say, That having perused the annexed Papers in the Hindoo Character, marked N<sup>o</sup> 1 and N<sup>o</sup> 2, they are the same Perwannahs or Letters which the Deponent Dadjou Sing received as aforesaid from the Raja Chyte Sing.

Sworn before me this 22d

Day of December 1781.

(Signed) Dadjou Sing,

Gobind Raum Miffar.

(Signed) Warren Hastings.

A true Copy of the original Translation.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

## C.

Captain William Davy, private Translator to the Honourable Warren Hastings, Esq; Governor General of Fort William in Bengal, &c. &c. maketh Oath and faith, That he understands the Persian Language, and that he received from Gomaunilob, a Hindoo, who he believes understands both the Hindoo and Persian Languages, a verbal Interpretation in Persian of the annexed Papers, written in the Hindoo Language: And the Deponent further saith, That the English Papers hereunto annexed, are true and faithful Translations of the said Hindoo Papers, made from the verbal Interpretation in Persian of the said Gomauni Lal, to the best of this Deponent's Skill and Belief.

Sworn before me the 12th

Day of December 1781.

(Signed) Wm. Davy.

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

## A P P E N D I X, N° 1.

**TRANSLATION** of a Letter from the Raja Cheyt Sing to Dadjou Sing, written in the Hindoo Language and Characters. This Version made from the verbal Interpretation of Go. mauni Lal, a Hindoo Moonshee. N° 7.

N° 1.

### Complimentary Introduction.

Great Misunderstandings have come to pass between me and the English; I therefore direct you, with your People, to join me the Moment you see this Order; every Encouragement and Support shall be given to you by me—Let your Mind be at rest, and come with Speed.

Wherever you meet with either Europeans or Sepoys, plunder and cut them off—Consider this as particularly enjoined.

Written the 4th of the Month Bhadoo.

Supercribed by Cheyt Sing }  
in his own Hand,                } The Contents approved.

The Cover directed to Dadjou Sing, and sealed with the Seal of the Rajah Cheyt Sing.

A true Copy of the original Translation.

(Signed)               E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

N° 2.

**TRANSLATION** of a Letter from the Rajah Chyte Sing, to Dadjou Sing, written in the Hindoo Language and Character. This Version made from the verbal Interpretation of Gomauni Lal, a Hindoo Moonshee.

### Complimentary Introduction.

It appears that you are united with the English—I therefore write to you, that living as you do, under my Protection, the taking Part with them will be attended with bad Consequences to yourself.

I direct that, immediately on the Arrival of this Order, you join the Rajah Tutteh Sing, and see the Enemy; in this only you will find your Advantage—Consider the above as most strictly enjoined.

Written the 10th of the Month Kuwwaur.

If you act according to this Order, you will obtain Honour thereby.

(Supercribed by Chyte Sing) The above is strictly enjoined.

The Cover directed to Dadjau Sing, and sealed with the Seal of the Raja Chyte Sing.

A true Copy of the original Translation.

(Signed)               E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

A.

N° 8.

**THE AFFIDAVIT** of Lieutenant Colonel William Blair, taken before Sir Elijah Impey, Knight, Chief Justice of the Supreme Court of Judicature, at Fort William in Bengal.

This Deponent, on his Oath, saith, That on the 21st of August 1781, to the best of his Recollection, about 8 o'Clock in the Morning, and something near an Hour after he had issued Orders for the 2d Battalion of the 6th Regiment to cross the River, and march with all possible Expedition to Benares, a Man was brought to him, who said he had some particular Intelligence to deliver; that upon hearing what he had to say, he acquainted the Deponent that he had left Raumnagur in the Night, and it was there determined to attack the Fort of Chunar Ghur the following Night; he mentioned several of the Leaders Names, whom the Deponent does not remember,

SUP. SEL. COM. REF. 11.

S f

# A P P E N D I X, N° 1.

N° 8. member, and says, that Ladders had been prepared at Pateeta for that Purpose, and that a considerable Force was expected to join those at Ramnagur. The Deponent further saith, That at the Time this Fellow gave him the above Information, he was going to the Beach to see the Battalion paraded, and to expedite the Boats; and that he saw the same Man upon the Road as he was returning from the River Side. Lieutenant Colonel Blair further saith, That a short Time before Dinner, on the same Day, a Man was brought to him with Intelligence, who was dressed like a Fakcer; he seemed a middle-aged Man, and appeared very solicitous for the Safety of the English: His Information corresponded with the former, as to the Time that the Fort was to be attacked; the Forces he said could not in all consist of less than between Twenty and Thirty thousand Men, with Artillery; that they were to be led on by the Rajah in Person, and were to come from Lettefpore, Ramnagur, and Pateeta. The Deponent remarks, that this Man spoke so much more than merely answering Questions that were put to him, that this, joined to his seeming Anxiety for the Safety of the English, created in the Deponent's Mind great Doubts of his Veracity, though he did not totally reject his Information. The Deponent here observes, that this Man, and also the Man that delivered the first Intelligence, were perfect Strangers to the Deponent, and every Person about him; and that, among other Questions, he asked him what was his Inducement to come to him with such particular Information? to which he answered, That he was a poor Man and expected a Reward. The Deponent then told him, that if he called upon him next Day, he would most undoubtedly reward him accordingly. The Deponent further saith, That as far as he recollects, between Three and Four o'Clock the same Afternoon, as he was observing the last of the before-mentioned Battalion crossing the River, his Jemmadar Hircarrah came to him, and told him that it was the general Belief every where, that a large Army was upon the March, and was supposed would reach Chunar that Night, and that vast Numbers of the Inhabitants were flying the Town; that he the Deponent warned the said Jemmadar Hircarrah to beware of bringing or spreading false Intelligence, as he should answer for it with his Life; his Answer was, that he spoke nothing of himself. The Deponent, after having seen all the Battalion across the River, and begun their March, ordered the Jemmadar Hircarrah to attend him to Camp. That as the Deponent was upon the Road, he met a young Man seemingly much out of Breath, but could not understand what he had to say, till he reached the Camp, when he called Captain Blair to interpret for him. The Information this Man gave was, that he was an Inhabitant of Pateeta and used frequently to come to Chunar upon his own Business; that the Deponent's Jemmadar Hircarrah knew him, which was acknowledged by the Jemmadar himself. He said, that when he left Pateeta, there was about Six thousand Men getting ready to march towards Chunar, and that he understood that a very large Body was to follow from Lettefpore. The Deponent further saith, That, upon reflecting upon the various Intelligence he had received through the Day, he thought it necessary to acquaint Captain Sparks and Captain Blair of his Apprehensions of an Attack being made that Night; that he the Deponent saw Out-posts placed, and gave every necessary Instruction to prevent a Surprise, and to oppose the Enemy with Vigour, as he was conscious that every Thing depended upon keeping the Field. The Deponent after this, when the Troops were turned out at Roll-calling, directed Captains Blair and Sparks to thank their Men in the Name of the Governor General for their late gallant Behaviour at Ramnagur, lamenting at the same Time the great Loss that they had sustained by being imprudently led into a Place where they could not act, but that he the Deponent was confident they could in the fair Field beat any Force that the Rajah could bring against them; that the Men expressed a perfect Confidence and Readiness to oppose the Enemy if attacked, and the Chasseurs expressed the greatest Eagerness to embrace the first Opportunity of revenging the Death of their Companions and Commandant; and they remained upon their Arms all Night with the utmost Cheerfulness. The Deponent further saith, That when the Governor General arrived at Chunar Ghur next Morning, and that he was told the Danger that threatened him and all the other Gentlemen at Benares, which he was perfectly ignorant of before, it then crowded upon his Mind, as no Enemy had made the least Attempt either upon the Camp or upon the Fort, that all these Pieces of Intelligence, which had been brought in the Day before, were entirely calculated for the Purpose of detaining the Troops from being sent to Benares, and thereby favouring their Design of attacking the Governor and Gentlemen there; and the Deponent says, that he is the more induced to this Belief, as he was not able next Day, or at any Time since, to find the People that brought the Deponent this Intelligence, though every Endeavour was made to discover them.

(Signed) W<sup>m</sup> Blair.

Sworn this 2d Day of December

1781, before me,

(Signed) Elijah Impey.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.



# A P P E N D I X, N<sup>o</sup> 1.

B.

N<sup>o</sup> 8.

THE AFFIDAVIT of Captain Patrick M'Dougall, taken before Sir Elijah Impey, Knight, Chief Justice of the Supreme Court of Judicature at Fort William in Bengal.

This Deponent, on his Oath, saith, That on the Evening of the 21st August 1781, after having crossed the River with his Battalion, in order to march to Benares, agreeable to Colonel Blair's Orders, several People came and acquainted him, that there were Two thousand armed Men posted in the Neighbourhood of Betty Bur, to oppose his marching to Benares; and not doubting this Intelligence to be well founded, and Night approaching, took every Precaution to guard against a Surprise, and oppose the Enemy; but meeting with no Opposition on his March there, or returning to Chunar Ghur, therefore concluded the Information to have been groundless.

(Signed) Patk M'Dougall.

Sworn before me this 2d Day  
of December 1781.

(Signed) E. Impey.

A true Copy of the original Translation.

E. Hay,  
Sub Secretary to the Honourable  
Governor General and Council.

A.

N<sup>o</sup> 9.

NATHANIEL MIDDLETON, Esquire, on his Oath, saith; That he left Lucknow on the 19th August 1781, and joining the Nabob Vizier at about Ten Cos distant, proceeded with him to Benares, with an Intention to meet the Governor General, who was expected shortly at Lucknow: That about Three or Four Days after his Departure, he heard of the Disturbance at Benares, and of the Massacre of Three European Officers, with a Number of Sepoys; at the Instigation of Rajah Cheyt Sing, which prevented the Governor General's setting out for Lucknow, as he had intended; and on his Arrival at Doudnagur, on the 24th of the same Month, we received imperfect Accounts, through the Channel of the Vizier's public Intelligence, of the Retreat of the Governor General and his Party to Chunar Ghur; and the same Accounts, as well as many others, set forth, that the Rajah Cheyt Sing had issued his most positive Orders to all the Zemindars and Officers of his Government, to put every European to Death that they could lay hold of; to seize and severely punish any Natives who should be found in the Service of or connected with the English; and in general, to use every Means in their Power to promote an Insurrection throughout the Country; for which they should be liberally rewarded: That he had also written Purwannahs, or Letters, to many of the Zemindars of the Vizier's Country, encouraging them to raise Disturbances in their respective Districts, and to assist him with Troops; for which he promised them large Sums of Money: That this Report was made to him repeatedly, through various Channels, and implicitly credited not only by himself, but he firmly believes by the Vizier and every Man in his Retinue: That in consequence of these Occurrences, the Vizier, who had left Lucknow with a very small Force, determined to wait for Reinforcements before he proceeded; and accordingly, summoning his Troops from all Quarters, halted at Hussanpore until they joined him: That on the 31st of said Month he, this Deponent, in Company with the Vizier, left Hussanpore, and proceeded towards Chunar Ghur: That on his Arrival at or near the Village of Goffee Gunge, he heard from several different Persons, whose Names he does not at present recollect, that a Number of dead Bodies were seen, some in a Well situated near the Road Side, and others lying on the open Plain, partly covered with loose Earth, or Sand, that had been thrown over them: That these Bodies were supposed and generally believed to be the Bodies of Dauk Hircarrahs, and other Travellers dependant on the English, who had been seized and murdered in consequence of the aforesaid Orders of Rajah Cheyt Sing: That this Deponent did not see the Bodies, but had not a Doubt of the Truth of the Story, as it was mentioned by several Persons at the Time they were passing the Place, and afterwards by others who stopped to see them: That in a small Mud Fort and Village near the Place where the Bodies were discovered, he, this Deponent, heard from Almas Alléy Cawn, a principal Farmer of the Nabob Vizier's Revenue, that there were several hundred armed Men assembled in the Service of Rajah Cheyt Sing; but for what particular Purpose he did not learn: That some Days after his (this Deponent's) Arrival at Chunar, he was informed by Two Hircarrahs, who brought him an Express from the Aumil of Allahabad, that in passing, through Goffee Gunge they had seen the dead Bodies of Two Europeans, who they supposed had been murdered by the Inhabitants of that Place: That he heard at the Time, and believed, and does still believe, that much Encouragement, and some actual Aid in the raising Troops, was given Rajah Cheyt Sing by Bahr Ally Cawn and Jewar Ally Cawn, the Two principal Eunuchs and Counsellors of the Vizier's Mother at Fayzabad; and that their Conduct, as well as that of their Dependants, during the Continuance of the Disturbances at Benares, manifested a strong Disaffection



## A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 9. to the English: That he further heard from his own News-writer stationed at Fayzabad, that a Vakeel, or Agent, from Rajah Cheyt Sing had been received at that Place, and allowed to remain under the Protection of the said Eunuchs; but for what particular Purpose, or what was the Nature of his Commission or Negotiation, this Deponent has not been able to discover.

(Signed) Nath<sup>l</sup> Middleton.

Sworn this 27th Day of November 1781, before me.

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable Governor.

### B.

ALEXANDER HANNAY, Esquire, Lieutenant Colonel, commanding a Corps of his Excellency the Vizier Asop ul Dowlah's Sepoys, on his Oath, declares, to the best of his Remembrance and Belief, the following Circumstances respecting the State of the Country he was stationed in, and the Reports that prevailed there during the Months of September and October 1781:—That, in Obedience to Orders he received from his Excellency the Nabob Vizier for that Purpose, on the 28th of August 1781, he issued Orders for forming a Detachment, consisting of One thousand Sepoys, Four Guns, and Five thousand Horse, from the Troops under his Command, to assemble at Akbarpore, on the Road leading to Juanpore: That Eight Companies of Sepoys, Two Guns, and about One hundred Horse of the said Detachment, were ordered to cross the Gogra at the Chawra Gaut, and proceed to Akbarpore: That Two Companies of Sepoys, Two Guns, and the Remainder of the Horse, were ordered to cross at Fayzabad, and encamp on the Rumna until the Arrival of the Deponent, who was from thence to march them to Akbarpore, the appointed Rendezvous of the Detachment: That the Deponent arrived at Fayzabad on the Evening of the 7th of September, with the Intention of pursuing his March to Akbarpore the next Morning; but was detained, from the Horsemen having been seduced into the Town, where they were tampered with by the Servants and Agents of the Begums to decline proceeding further with him: That the Subedars of the Two Companies of Sepoys represented to him, that Guards were placed, said by the Authority of the Begums, to prevent the Sepoys, or any one connected with the English, from entering the Town; and upon Enquiry, it appeared that such Representation was true: That the Deponent learnt from various, and what he deemed Information to be depended on, that the Agents of Rajah Cheyt Sing were publicly suffered to raise Troops in Fayzabad; and that the Eunuchs of both Begums encouraged the People to enter into his Service, particularly Jewar Ally Cawn, who was represented to have gone into the Chouk for this Purpose: That the Deponent was credibly informed, that Two or Three Days before his Arrival at Fayzabad, a Man, named Shake Char, had marched from thence, in order to join Rajah Cheyt Sing, with about a Thousand Horse and Foot; and that several other Detachments had before proceeded from thence with the same Design. These Transactions were of so public Notoriety, and so generally believed, that the Deponent deemed it his Duty to represent this Impropriety to the Begum, but could obtain no Answer. On the Evening of the 8th of September, the Deponent received a Letter from Lieutenant Gordon, who was on his March to join him at Akbarpore, informing him that he had been attacked on his March from Chowra Gaut by great Bodies of Men, assembled to oppose him; and that on his Arrival at Tanda, the Conduct of Shumshiac Chan, the Begum's Aumil of that Place, had effected the Loss of his Detachment, as appears from the following Copy of his Letter to the Deponent, relating the Circumstances of that unhappy Disaster;

C O P Y of a Letter from Lieutenant John Gordon to Lieutenant Colonel Hannay,  
dated at Tanda, the 10th of September 1781.

I had the Honour to write you on the 8th Instant, acquainting you with the Disaster which happened to my Detachment; and I now beg Leave to lay before you the Particulars of that unfortunate Affair.

When I crossed the Gogra, on the 6th, at Chowra, with the Four Companies of Sepoys, and about Eighty Horse, (in all near 400) I saw the Country was disaffected: My Force, however, I judged to be quite sufficient to join you at Akbarpore; indeed, I did not conceive that his Excellency's Troops, marching to join him by his Order, could meet with any Interruption.

On the 7th, at Day-break, I marched; and about Half a Mile from Chowra, where crossing a Nullah, where I had sent Boats Overnight, I observed great Bodies of Men assembled to oppose my March: I immediately made what I judged to be the best Disposition of my small Corps; and the Behaviour of the Men did them great Credit; for though during the Whole of the March

## A P P E N D I X, N<sup>o</sup> 1.

of Eight Co's, we were attacked, and often surrounded, by incredible Numbers of People, yet we constantly beat them off, killing and wounding many of them; and arrived, with very little Loss, about One o'Clock in the Afternoon, at the Teria Nullah, which runs by Tanda, bringing the Whole of our Bazar and Baggage in the most complete Safety. I now imagined myself in a Friend's Country, and intended crossing the Nullah, that my People might halt for the Day, and refresh after their fatiguing March: For this Purpose I ordered my Bazar and Baggage to be sent over, and Part of the Sepoys to stand to their Arms: A great Number of our Enemies were still in Sight; but judge of my Surprise, when I was informed that the Boats were all on the other Side of the Nullah, and that none of them were permitted to cross. I immediately wrote to the Begum's Aumil, Shumshire Chan, acquainting him, that I was marching with the Vizier's Troops, by his Orders, to join him; that I was astonished at his stopping the Gaut, and desired that he would send Boats for the Transport of my Detachment. To this no Answer was made; but immediately Three Guns were brought near the Gaut, and pointed to us; and a Number of Najubs were posted on the Banks of the Nullah, who threatened to fire if any Body passed. It is proper to remark here, that near the Gaut there were a great many large Boats belonging to Mr. Scott, whose Gomastah, notwithstanding his most earnest Entreaties, was prevented from sending them by Shumshire Chan; and even the Plunder of his Factory and his Life were threatened, if he attempted it. When I found this to be the Case, I took Possession of a very strong Ground, surrounded on Three Sides by the River and Nullah; on the Fourth Side, where only I could be attacked by the Country People, I ordered the Sepoys to make a Breast-Work, by piling up Planks, of which there were a great Number; and as I had Ammunition and Provisions, I intended to wait there until I could procure Boats, or discover a Ford. I was thus employed. I found that Mahomed Reza Beg, the Jemedar of Horfe, had swam across the Nullah, and procured Permission for his People to follow him, which they immediately did. No Answer coming from the Fogedar, I desired my Munche to go to him, and explain the Matter; he accordingly went to the Gaut, and demanding a Passage, he was refused, and insulted in Terms the most opprobrious to the English. He returned; and telling me this, I ordered him to take an Elephant, and swim over; but when he attempted to enter the Nullah with the Animal, the Nujubs pointed their Matchlocks at him, and obliged him to desist: The Sepoys seeing this, and that the Horsemen were permitted to swim across, naturally imagined that the Objection was to the English only, and their Adherents; they thought it safest to abandon me, whom they must have concluded to be devoted, and, throwing down their Coats and Arms, they followed the Example of the Horsemen in swimming across the Nullah, making a Merit with Shumshire Chan of giving me up to my Fate. One of the Subadars represented to the others the Folly of their suffering for One Person; and proposed to them to deliver me up to Shumshire Chan, or to the Country People; but this Proposal they rejected with Scorn: The Desertion however was almost complete; for in a little Time, of the Four Companies, not Twenty Men remained, including Officers. It was now almost Evening, when Mr. Scott's Gomastah, with great Difficulty, at last obtained Permission from the Fogedar to send One Boat; but it came too late to render any effectual Service; for with the few Sepoys who remained, Command was at an End; and, as most of my Servants had gone off, my Baggage was left a Prey to the Banditti, who soon carried off and destroyed it. Some Things, which a few of my Servants brought with them, they gave in Charge of the Fogedar's People, to take Care of them; but they reserved them for themselves, or rather for the Fogedar; and though many of my Things were seen in his House, I never could recover a single Article. I am still in Mr. Scott's Factory, which there is every Reason to think will be attacked, as Numbers of People are assembled in the Neighbourhood for that Purpose; and as the Fogedar positively refuses to grant the least Assistance, God knows what may be the Consequence: However, as it is evident that Shumshire Chan was the sole Cause of this Disaster, I hope that exemplary Punishment will be inflicted on him, and if I survive I doubt not but I shall be reimbursed for what I lost by his Villainy.

I have the Honour to be your most obedient Servant,

(Signed) J. Gordon.

The Deponent further saith, That from Observation and Information, he doth believe that a general and universal Insurrection took place, before the 15th of September, in all the Country to the Eastward of the Gogra, from Mangee to Bahraitch, and on its Western Banks from the Borders of the Benares Districts to the Extremity of Kyrabad; that it was created and fomented by the Agents of Rajah Cheyt Sing's disaffected People at Fayzabad, and about the Vizier's Court; and that the Expulsion of the English was its Object. In the Districts of Goruckpore, and indeed in all the Purgunnahs below Fayzabad, it was generally asserted, and the Deponent never heard the Assertion contradicted, that the Rajah Cheyt Sing furnished the principal Zemindars, particularly the Rajahs Futty Saw, Ghennoo Roy Adjut Miell, Zalim Sing, and partly Poll Sing, with considerable Sums of Money, in order to subsist the Force they collected on the Occasion; and that he granted them ostensible Certificates under his Seal, engaging to discharge whatever Expence they might incur in the Service of the Insurrection. These Certificates and Perwannahs they received, or pretended to have received, under the Seal of the Vizier, confirming them in their hereditary Zemindaries; and appointing them Aumils on the Part of the

# A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> 9. Circar in their respective Pergunnahs, gained them an unbounded Influence over the Inhabitants. The Aumils of the Country in general were obliged to fly from their Stations; the Najubs and Subundy joined the Insurgents, or dispersed; all Ferry-boats were sunk or destroyed; many of the Dauk Hircarrahs were slain, and the rest obliged to fly, which effectually cut off all Correspondence, as well as Communication, and the Country remained in a State of Distraction which cannot well be described, until the Beginning of October; when the News of our Success at Benares, and the Nabob's Return to Lucknow, calmed the Tumult.

(Signed) Alex. Hannay.

Sworn this 26th Day  
of November 1781,  
before me,

(Signed) E. Impey:

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

## C.

John M'Donald, Esq; Major commanding the Nabob Asoph ul Dowlah's Third Battalion of Sepoys, on Oath saith, That he the Deponent was stationed at Amora, to assist the Aumil in collecting the Company's Tunkas, also to protect the Subjects of his Excellency the Vizier from the Depredations of Zalim Sing, the Rebel Rajah of the aforementioned Place Amora, also the Attacks of others his Adherents: That the said Deponent had been detached by Lieutenant Colonel Hannay, some Time in February 1780, with a Body of Horse and Foot, in Pursuit of the above-mentioned Rajah Zalim Sing, who, besides sequestering the Rents of the Pergunnah, had compelled the Inhabitants to quit the District; and further, wantonly, and without Excuse, murdered Two of the principal Cannongoes of the Pergunnah aforesaid. The Deponent could not come up with the flying Rajah, but followed him until he took to a large Jungle, that bounded the Country of the Vizier to the Eastward, and is the Westernmost Limits of the Zemindary of Cheit Sing, Rajah of Benares. Zalim Sing was there received in the most friendly Manner, and Protection promised him. On this the Deponent sent proper Spies to watch the Motions of the Rajah Zalim Sing, and returned himself with the Troops to his Station at Amora: That the Deponent learned by the Spies left about Zalim Sing, that he was allowed to reside openly under the Protection of Cheit Sing, and had Villages, also Lands, assigned for the Maintenance of himself and Followers.

About the Twentieth of August last, the Deponent was informed, that Cheit Sing had, after putting to Death Three English Officers and Two Hundred and Fifty Sepoys, fled from Benares, and openly set up the Standard of Rebellion, inviting all Persons, who could procure Arms, to repair to him, and by fighting under his Banner, extirpate the Fringes. The Road by which the Post usually travelled from Benares, became impassable from the numerous Parties it was said Cheit Sing had sent out to cut off all Communication between the Honourable Governor General and the different Stations of the Army. As the Deponent could not obtain any authentic Account of the State of Affairs, he thought it best to send out Persons to all Parts for Information, that he might judge from the State of the Country how Matters stood at the Place of the greatest Moment. The Country of the daring Rebel Cheit Sing, and the City of Fayzabad, seemed to the Deponent the most likely Places to furnish the wished-for Intelligence. In the latter Place it was reported, First, that the Honourable Warren Hastings, Esq; had been massacred at Benares; then, that he had been cut off in his Way to Chunar; at last it was said the Honourable Governor General was in Chunar Ghur, but must soon fall into the Hands of the Benares Rebel, as no Relief could possibly reach the Place in Time to save it; and that shortly the Destruction of every Englishman in these Parts would be effected. From the Benares District the Deponent learnt, Cheyt Sing had summoned the Zemindars of his Rajah to join him with all the Troops they could raise, promising present Pay to those bearing Arms, and a Remission of a Year's Rent to all who repaired to his Standard. Many Rebels who had fled the Company's and Nabob's Territories, and taken Refuge in his Zemindary, were furnished with Money, and joined by such Zemindars, belonging to the aforesaid Benares Rebel, as lay too far distant from the principal Scene of Action, to make a Diversion both towards the Company's Lands and those Parts of his Excellency's Dominions under the Charge of English Officers, and endeavour to cut them all off, and thereby prevent any Assistance being sent from either Goruckpore or Bahraish. His Excellency the Vizier repaired to Suttanpore about this Time, which prevented the Rebel Zalim Sing, also Pertee Paal Sing, the Rebel of Bustee, from quitting the Jungle; but they were busy in making the necessary Preparations, by raising of Men, with the Money said to be sent them by Cheit Sing in Fayzabad: The Cojahs of the Vizier's Grandmother, as well as those of the Bowe Begum, were raising Men under various Pretences, and making every Preparation that might be necessary either for offensive or defensive War. During the Time the Nabob lay encamped at Suttanpore, the Deponent's People were insulted and ill used in Fayzabad, by the Peons, Sepoys, and other Servants of Juar Alli Khan and the Begums, as were all who made use of the English Name, or were supposed to have any Connection of the Kind; but on its being known there that his Excellency had moved towards Chunar,

no one who was a Servant of the English could get Admittance into the City but by Stealth, or in Disguise; when the Dawk from Lucknow was not allowed to pass through as formerly, but obliged to make a large Circuit, and the Hircarraha put on different Appearances to pass unnoticed to Amora. After the Departure of the Nabob from Suttanpore, as before mentioned, the Rebels, who had been driven from the Province of Gorookpore, began moving towards the Gogra. The Zemindars of Amora, where the Deponent then resided, also those of the adjacent Pergunnahs, held frequent Meetings, and seemed big with some great Plan. On or about the 29th of August the Deponent received a Letter from Lieutenant Colonel Hannay, informing him, that his Excellency the Nabob had written to him (Colonel Hannay) to join him immediately with a Thousand Sepoys, Four Guns, and Five hundred Horse. Four hundred Sepoys of the Deponent's Battalion was ordered for this Service; also his Battalion Guns, and a Hundred Horse that belonged to the Amora Station, were withdrawn to make up the Number required by his Excellency. No sooner was this made public, than the Zemindars absented themselves; and the Deponent learnt from all Parts of the Country, that every Man was getting ready his Arms, and that Cheyt Sing's Name was in every Body's Mouth; that every Rajah in the Country had declared for him. That the Deponent endeavoured to get some Najeeds to supply the Place of the Troops called away; but all in vain; every Attempt was rendered abortive by the Machinations of the Cojahs belonging to the Two Begums at Fayzabad; and every Soul in that City seemed, from their Conduct and Conversation, to look upon the English as on the very Eve of Extinction, forbidding any one to serve the Fringes, but to repair to Cheyt Sing and *Sydu Ally*—Nay, every Method and Way was tried to seduce the Sepoys from the Deponent's Battalion, which, however, did not succeed while remaining under his Eye, but had the desired Effect upon the Nadjub and Subundy.

After the Sepoys, Guns, and Horse had crossed the Gogra, there was an End to all Government in that Part of the Country where the Deponent resided. Not an Article of any Kind was to be had; and, but for the Deponent's having foreseen the Situation he should be in, and provided accordingly, he would have been under the Necessity of leaving his Station for the Want of Provisions. Thus surrounded on all Sides by lurking Enemies (for there was no knowing who to treat otherwise) the Deponent knew not when or from what Quarter the Blow was to be struck; but on the 8th of September it broke out in all Parts. All Out Posts were driven into Camp; the Roads in an Instant secured by armed Parties; Hircarrahs murdered, Sepoys attacked, and the intended Destruction of every English Man openly declared, not only throughout the Pergunnah, Towns, and Villages, but even in the City of Fayzabad. To such Lengths was it carried by the People of Juare Alli Khan, and other Cojahs belonging to the Begums, that the Women of the Deponent's Camp, that were sent across the Gogra to be out of the Way of Danger, being obnoxious from the Connection, were refused that Protection which the Sex in every Country meets with, but particularly in Hindostan claims as a Right. From the above Date the Deponent was confined to the Limits of his Camp, nor had he any Road open but that to Rye Gaut opposite Owde, at which Place Lieutenant Colonel Hannay then lay with a very small Force; while the Country around him, also the City of Fayzabad, seemed ready to commence Hostilities. On the 10th of September Rajah Zelim Sing, accompanied by other rebellious Rajahs, appeared with a numerous Force on the Banks of the Gogra opposite to Amora. The Deponent's Spies brought him Intelligence from the Rebel Camp, that his, the Deponent's Property, likewise that of all his Camp, was already divided; that the Deponent's Horses, Camels, and Things worth Notice, the Rajah Zelim Sing reserved to himself; the rest was to be given up to those who could get it. Moreover the Deponent saith, his People informed him that Rajah Zelim Sing had produced a Paper, which he, the Rajah, said, was a Sunnud from the Nabob, restoring him to this Zemindary, appointing him Collector of the adjacent Pergunnahs, Bustie and Nagger, also that he had the Nabob's Directions to drive the Fringes out of his District; that he only waited for the light Boats, being already provided, from Fayzabad (which the Deponent knew absolutely to be the Case) to cross the Gogra, and carry the Nabob's Orders into Execution. Further, that his Excellency had altered his Sentiments regarding the Part he was to take in the present Contest: That his Excellency set out with the Intent of adhering to his Treaty with the Company, but that Mirza Saadut Ally wrote him he was to blame if he gave any Assistance; that now was the Time to shake off the English Yoke; that it might not be prudent to declare himself at once; that he had only to stand neuter, and, under Pretence of defending themselves, direct his Subjects to take Arms, and endeavour to prevent the Junction of the English Forces, when the Matter would work of itself. Further, to direct the Aumils to send no more Supplies of Money, which would cause the Sepoys to leave the English Service for want of Pay, while themselves would have Plenty of Money. In the City of Fayzabad the same Language prevailed as to the Money Part, and Stoppage of the Tunkas, until the *Nabob Sadis Ally Khan* thought proper to issue the Grants. During the Night of the 10th of September Rajah Zelim Sing crossed the Gogra, and advanced within Four Cos of the Deponent's Camp: On the Evening of the 11th the *aforesaid* Rajah pushed Three Post to within a Mile of the Deponent's Lines, and was to have moved from his Camp with his main Body when the Moon rose. Thus situated, it was thought expedient, for the Safety of both Parties, that the Deponent should join Lieutenant Colonel Hannay while yet a Passage was open; accordingly, about Two in the Morning of the 12th September, the Deponent quitted his Camp at Amora, and marched to Rye Gaut. The Deponent was scarcely out of his

Camp,

## A P P E N D I X, N<sup>o</sup>. 1.

- N<sup>o</sup> 9. Camp, when the Rajah's People rushed into it, seizing all they could find, and murdered some unhappy Persons who had neglected to move in Front of the Deponent's Party. The Deponent reached Rye Gaut at Sunrise of the 12th. As soon as it was known at Fayzabad, that Salim Sing was in Possession of Amora, the whole City was in an Uproar from Joy; and the Deponent heard the Report and saw the Smoke of Guns that were discharged at Fayzabad, he believes, on the Occasion. The Deponent saith, He believed the Reports as before related at that Time, and was still of Opinion the Threats therein contained were intended to be carried into Execution had the League been successful; nor did the Deponent then (or even to this Moment) doubt but what the Begums at Fayzabad and their Cojahs were in a League with Cheit Sing the Benares Rebel; and the Deponent is of Opinion that the Whole of the Disturbances that happened in the Parts where he resided, took its Rise from the Rebellion of Rajah Cheit Sing; and the Deponent is further of Opinion, that it would not have extended itself so wide in the short Time it really did, had it not been a Matter pre-concerted, and brought to Light by mere Chance, ere properly ripe for Execution: And the Deponent further saith, That he is of Opinion, from the many Conversations he the Deponent has held with several Persons, Inhabitants of the Rebel Cheit Sing's Country, that the Rebellion has been meditating even some Years; that the Deponent was informed the Matter was absolutely debated in the Year 1779, and prevented only by the Voice of a Person about the Rajah, to whose Judgment much Deference was paid by the Rajah Bulwan Sing, Father to the Rebel.

(Signed) J. Macdonald.

Sworn before me this 27th

Day of November 1781,

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

### D.

David Williams, Esquire, Captain of the First Battalion of his Excellency the Vizier Asoph ul Dowlah's Sepoys, on his Oath declares, to the best of his Remembrance and Belief, the following Circumstances respecting the State of the Country he was stationed in, the Reports that prevailed there, and his own Situation in it, during the Months of September and October One thousand Seven hundred and Eighty-one. Upon hearing that the Rebellion of Rajah Cheit Sing at Benares, had become of a very serious Nature, he deemed it requisite to repair immediately to his Station at Gungowah, in the District of Goorookpore; accordingly he left Lucknow, by Dawk, on the First of September, and reached Sakrora the same Evening; on the Second, he arrived at Amora, and on the Third at Goorookpore. Upon the Road between Bustee and Meerungunge, a Sepoy belonging to Major McDonald's Battalion overtook him, and gave him Information that the Rebels had attacked a Post in the Jungle, which they had carried. On his Arrival at Goorookpore, the Jemedar who commanded in the Fort acquainted him, that the Rajahs Futty Saw, Ghenewroy, and Adjetmull, had received a very considerable Sum of Money from Rajah Cheyt Sing, to enable them to commence Hostilities in Goorookpore, and in the Company's Districts, and that they had crossed the Gogra, and also, that they had Promises of considerable Sums of Money and Supplies of Men upon commencing their Operations. The Fourth, in the Evening, he arrived at Gungowah, and had the same Reports confirmed to him by his Commandant, and most of the People of that Place. On the Fifth and Sixth, he got all Things in Readiness to proceed, agreeable to the following Order from Colonel Hannay, to Ackberpore.

To Captain Williams, commanding in Gorookpore.

Sir,

Having received the Vizier's Orders to join him without Delay with the greatest Part of the Forces acting immediately under my Authority, I have to desire, that immediately on the Receipt of this Letter, or as soon after as possible, you do march with the Two Grenadier Companies of your Battalion complete, and your Battalion Guns, and proceed with all possible Expedition to Ackberpore, on the Road from Fayzabad to Settanpore, where you will receive further Orders. You will march by the Route of Gorookpore, and cross the Gogra at Taundah, where you will find Three large Pattalies ready for your Passage. The Four Companies of your Battalion stationed at Bustee, Dooreaparah, Dumreagemge, and Bancey, have also received Orders to march; but as the utmost Expedition is required, they will proceed immediately under the Command of Lieutenant Gordon, and not wait your Arrival. The Four Companies of your Battalion in Gorookpore, and with Hurdeal Sing, will remain under the Authority of Mahomed Sheffy Khan; and I have to desire you will particularly instruct the Subedars, commanding them to pay the strictest Attention to such Orders as they may receive from Mahomed Sheffy Khan, during your Absence. I know not what Quantity of Ammunition the



## A P P E N D I X, N<sup>o</sup> 1.

the Four Companies at Rustic, &c. have with them; but it will be necessary, if possible, N<sup>o</sup> 9. to bring a Quantity with you sufficient to supply the whole Six Companies of your Battalion under Orders of March, with a Complement of Two hundred Rounds a Man; and enclosed you will receive a Letter from Mahomed Sheffy Khan, desiring him to yield you every Assistance in his Power, in order to procure Carriage for to transport it. What else may be wanted to expedite your March, your own Prudence and Zeal will suggest, and I have only to repeat it is necessary you should make all possible Dispatch.

(Signed) Alexander Hannay.

On the Seventh he marched with Two Companies and Two Guns, having previously sent Orders to the scattered Detachments to repair to Gungowah, there to remain under the Directions of the Aumil, agreeable to Colonel Hannay's Orders. On the Eighth continued his March; on the Evening of the same Day certain Accounts were brought him, that the Boats on the Rivers and Nullahs were destroyed, and the whole Country to the Gograh up in Arms; and having also received Intelligence that Fatty Saw Ghenawroy and Adjilmal, with their Banditti, were encamped on the Road to Burragong, it determined him to return immediately to Gungowah, and proceed by the Way of Burragong and Chuprah to Buxar, to join Major Crawford's Regiment with the Two Companies and Two Guns; by taking which Route, he would have had an Opportunity of driving off that Party, which would have freed the Country from the principal Rebel. On the Ninth he returned to Gungowah; and, as the Commotions in the Country seemed evidently to increase, since the detached Parties who were directed to repair to Gungowah had been severally attacked on their Way, as they came in, he sent Orders to Hurdial Sing, Commandant stationed at Itchmul, to repair with all Expedition to Gungowah with the Two Companies and Gun belonging to the Fouzdary of that Place, and in the Evening informed the Aumil Mahomed Suffee Khan of his Intentions of proceeding by Chupra to Benares, and gave him Advice respecting the Defence of the Country during his Absence. The Detachment was ordered to march on the Tenth. About One o'Clock in the Morning the Jemedar attached to the Guns came and informed him that the Companies had mutinied, and would not march without having their Arrears paid them. In the Morning he went to the Parade, and ordered the Men to fall in; they paraded with Reluctance and Difficulty, particularly the Left Hand Company, commanded by Khan Mahomed Subedar. When they were got under Arms, he acquainted them that he was concerned they were not paid so regularly as he could have wished, but if there were any of them that were distressed for Subsistence, he would advance them as much of his own Money as they required, as soon as they came to their Ground that Day; but that it was indispensably necessary that they should march with all Expedition to attack a Party of Fattysoy, &c.'s Troops, which had taken Possession in the Gaut in the Jerry Jungle, before they should have Time to fortify themselves. They were silent; he directed them to march off. When they had gone about One hundred Yards from the Parade, one of the Men stepped out of his File, and demanded all the Arrears due to him; he immediately seized the Bayonet of the Mutineer, with an Intention of putting him to Death; when Six or Seven more turned out, fixed their Bayonets, and made the same Demand; the Black Officers remained silent and inactive; he ordered his Commandant to march on, and ordered the Mutineers to take off their Coats, as they were not worthy of being Soldiers, and that his Munshee would pay them their Arrears that Instant; many more joined them in a few Minutes, loaded their Pieces, laid hold of the Mounshee, and were going to put him to Death. When he found that to be the Case, and that almost the whole Two Companies were engaged in the Mutiny, he ordered the Party to return, as it was in vain to proceed. A short Time after the whole Party surrounded him, some with loaded Arms and fixed Bayonets, having also loaded the Guns with Grape, and with one Voice demanded their Arrears might be paid off. He remonstrated, that it was impossible for him to comply with their Demands, but that all the Money he had, or could get, should be distributed amongst them, if they would obey his Orders. For about Three Hours they behaved in the most licentious Manner, and were proceeding to break open the Treasure Chest; at last, however, he prevailed upon them to receive Three Months Pay. Upon this being given them they returned to their Lines, but kept Centries at the Bungalow. After this he sent for the Two Subedars, and desired them to sound the Men, and try if they could induce them, upon Promise of Forgiveness for what they had done, to return to their Duty. They came back, and reported, that they would consent to obey upon those Conditions. He went to the Parade in the Evening, and promised them Forgiveness; upon which they took an Oath to obey his Orders, upon Conditions that they were not to march to Benares; so that it became impracticable to prosecute the Intentions he had formed. However, in a few Hours more they again mutinied; and, to the best of his Recollection, they proposed to march to Benares and join Cheyt Sing and Sydet Alley, who, as they said, would pay them their Arrears, and make them great Men; adding, that all the Europeans were cut off, and that he (meaning the Deponent) was the only Person left in the Country. In the Evening the Two Subedars, Khan Mahomed and Butour Sing, came to him, and proposed to carry him Prisoner to Benares. On the Twelfth he represented to them, that if they did not immediately march to attack Fatty Saw, &c. who had already posted Detachments within Sight of the Cantonments, and, he was informed, was lying near Huffinapore with near Seven thousand Men, they would be distressed for Provision, since the whole Country was in Arms. He sent for all the Black Officers, and begged and intreated them to use their

N<sup>o</sup> 9. Influence over the Men upon this Occasion ; but they were deaf to all he could say. Had they complied, he was confident of Success against the Rebels, as Dudjou Sing and Goving Ram Misser had engaged to make a Diversion in his Favour upon their Rear, whilst he attacked them in Front. In the Evening they came to a Determination to march to Fayzabad to the Begum ; who they also declared would pay them their Arrears, and take them into her Service ; but on the Thirteenth, before they had carried these Intentions into Execution, he was joined by Hurdial Sing, with Two weak sickly Companies ; and having borrowed Money sufficient to pay them the Three Months Pay which the others had received, and thereby render them upon an Equality, they remained staunch, though every possible Means had been taken by the Mutineers to corrupt them. Shortly after this he received Information, that the Fort of Gorookpore had been attacked by near Six thousand Rebels. There was a Jemadar and about Fifty Men in the Fort, who behaved most gallantly. The Attack commenced near Nine o'Clock in the Evening. They carried the outward Work, which was too extensive ; and the Party were obliged to retire to the Citadel, where there were upwards of Two hundred Prisoners confined. They endeavoured to seize the Sepoys ; in which Attempt Nineteen of them were put to Death, and many wounded. The Attack continued till near Four o'Clock in the Afternoon ; when Shawmut Khan, a Jemadar, and Nine Men, who had been ordered to march there from Puroonah, at the Beginning of the Disturbances in the Country, arrived in the Town ; the People told them to throw down their Arms, and run off to the Jungles to save their Lives ; for it was impossible for them to get into the Fort, as it was surrounded by Six thousand Rebels, who must carry it in a few Minutes. The Jemadar, with admirable Presence of Mind, replied, That he was only the advanced Party, and that the Captain and the Guns were close after them ; and called out to a Man to run and bring them up, that the Whole of the Rebels might be destroyed ; and immediately fired upon the Rabble. The Report instantly spread ; a Panick seized the Whole, and they ran off in the utmost Confusion. He joined the Jemadar in the Fort with his Nine Men : They sallied out after the Rebels, and cut off about Two hundred of them. During the Attack, the Rebels frequently called out to the Jemadar to deliver up the Place to them, as they had Perwannahs from the Begum, Chyte Sing, and Sydet Ally, for what they did.

Having received Orders from Lieutenant Colonel Hannay to proceed towards him, and also a Letter from Lieutenant Gordon, acquainting him that it was Colonel Hannay's Wish he should join him at Amorah, informing him of the Loss of Two Companies of his Battalions which were with Lieutenant Gordon ; on the Fifteenth he marched from Gungowath with the Aumil and Fouzdars of the Country, and all the Stores of his Battalion. The March proved exceedingly fatiguing, on account of the Country's being under Water, and most of the Nullas unfordable, and no proper Boats upon them for crossing over. On the Twentieth arrived at Gorookpore, where he found Two Companies belonging to his Battalion, which were directed to join Lieutenant Gordon, but not being able to effect it, they had been under the Necessity of retiring to Gorookpore, also a Company of Major M'Donald's Battalion, which had been obliged to retire from Bustic. On the Nineteenth received a Letter from Lieutenant Colonel Hannay which determined him to remain at Gorookpore till he received further Orders, and wrote a Letter in Answer, proposing to march by the Route of Mugger and Baste, to chastise Zalim Sing at Amora, and Lieutenant Colonel Hannay should advance by the Route of Maheadeah to Ameroh, which he thought would be the most practicable Means of quieting the Rebellion in the Country. He was under a Necessity of borrowing Money to pay his Companies at Gorookpore, and also Major M'Donald's Company, and to make up the Ammunition that was damaged by the Weather, and repair the Tumbrils : His Battalion being ill furnished with Arms and Ammunition, and the Draft Cattle very bad, which retarded him much during his March to Gorookpore. The Thirtieth received a Letter from Lieutenant Colonel Hannay, and wrote, for Answer, that he would march for certain on the Second of October ; but the Difficulties he found in procuring a sufficient Quantity of Provision and Carriage for it, as the whole Country was hostile, and Bodies of armed Men, to the Amount of several Thousands were actually in the Town ; added to the heavy Rain which fell on the Fourth and Fifth, rendered it impracticable for him to march till the Sixth. During the Time he remained at Gorookpore, it was currently reported and given out by the rebellious Rajahs, that they acted in conformity to the Orders they had received from Cheyt Sing, Sydut Ally, and the Begums, to raise an Insurrection in the Country, and to destroy the English wherever they found them. Many Letters were intercepted, but the necessary Care was not taken of them, and they were either destroyed or lost. Having the Rappy and several Nullahs to cross, he did not reach Bancy till the Ninth, which Distance about Two-and-twenty computed Coss. On the Ninth in the Evening a violent Storm of Rain began, which lasted to the Sixteenth, with scarcely an Hour's Intermission, which rendered it totally impracticable to march during that Time, as the whole Country was overflowed, and the Rivers quite full. The March from Sakrora was extremely tedious and difficult, great Delays being occasioned by the Necessity he was under of making Bridges, added to the Interruption he suffered from the frequent Skirmishes he had with the People of the different Districts he passed through. On the 23d he arrived at Goondah, and on the Day following joined Colonel Hannay at Sakfira, with Eight Companies of his own Battalion, and a Company of Major Macdonald's Battalion. The Aumils and Fouzdars of Gorookpore came under his Protection, and a Number of People in Office in the Collections ; the Guir belonging



## A P P E N D I X, N<sup>o</sup> 1.

belonging to the Fouzdary he brought with him, being the only one in the District he commanded. During his March from Gorookpore to Sackrora, the Rebels who harrassed gave out, that every Measure they took was in compliance with the Directions they received from the Begum, Sydut Ally, and Cheyt Sing. Since the Time of his being appointed to the Command of the Battalion, in January One thousand Seven hundred and Eighty-one; he has only received Two Months Pay, on its Account, from his Excellency the Vizier, to the present Time; November the Twenty-seventh: His Battalion was dispersed in such a Manner, and at so great a Distance, that he had hardly ever had above two Companies with him, till they joined him by Degrees. During the Rebellion, he continually advised Colonel Hannay of his Situation, but it appears few of his Letters reached him, as the Communication was shut up. N<sup>o</sup> 9:

(Signed) D. Williams,

Captain, commanding the 1st Battalion of  
his Excellency the Vizier's Sepoys.

Sworn this 27th Day of November  
1781, before me,

(Signed) E. Impey:

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

E.

John Gordon, Esquire, Captain in the Corps of Sepoys of his Excellency Asoph ul Dowlah Nabob Vizier, on his Oath saith, That he crossed the Gograh on the 6th of September at Chowrah, with Four Companies of Sepoys, and about Eighty Horse, (in all, near 400) under his Command; that he saw the Country was disaffected, but judged his Force sufficient to join Colonel Hannay at Akberpore; indeed the Deponent did not conceive that his Excellency's Troops, marching to join him by his Command, could meet with any Interruption. On the 7th, at Day-break, the Deponent marched, and about Half a Mile from Chororah, when crossing a Nullah, he observed great Bodies of Men assembled to oppose his March; he immediately made what he judged to be the best Disposition of his small Corps, and the Behaviour of the Men did them great Credit, for though, during the Whole of the March of Eight Cos, they were attacked and often surrounded by incredible Numbers of People, yet they constantly beat them off, killing and wounding many of them; and arrived, with very little Loss, about One o'Clock in the Afternoon, at the Tereera Nulla, which runs by Tawnda, bringing the Whole of the Bazar and Baggage in the most perfect Safety; the Deponent then imagined himself in a Friend's Country, and intended crossing the Nullah, that his People might halt for the Day and refresh after their very fatiguing March; for this Purpose he ordered the Bazar and Baggage to be sent over, and Part of the Sepoys to stand to their Arms, as great Numbers of their Enemies were still in Sight; but his Surprise was extreme when he was informed, that the Boats were all on the other Side of the Nullah, and that none of them were permitted to cross. The Deponent immediately wrote a Letter to the Begum's Aumil, Shumshire Chan, acquainting him that he was marching with the Vizier's Troops, by his Order, to join him; that he, the Deponent, was astonished at his stopping the Gaut; and desiring Boats might be sent for the transport of the Detachment. To this no Answer was made, but immediately Three Guns were brought near the Gaut, and pointed to the Detachment, and a Number of Matchlock Men were posted on the Bank of the Nullah, who threatened to fire if any Body passed. There were then near the Gaut a great many large Boats belonging to Mr. Scott, whose Gomastah, notwithstanding his utmost Intreaties, was prevented from sending them by Shumshire Chan; who threatened the Plunder of his Factory, and even his Life, if he attempted it. This was told the Deponent by the said Gomastah repeatedly, and the Deponent believes it to be true, as it corresponds entirely with every other Part of Shumshire Chan's Conduct. The Deponent, upon being refused a Passage, took Possession of a very strong Ground, surrounded on Three Sides by the Gograh, and the Nulla on the Fourth Side, whence only he could be attacked by the Country People; he ordered the Sepoys to make a Breast Work, by piling up of Planks, of which there were a great Number; and as he had Ammunition and Provisions, he intended to wait there until he could procure Boats, or discover a Ford. While the Deponent was thus employed, Mahomed Raza Beg, the Jemedar of Horse, had swam across the Nullah, and procured Permission for his People to follow him, which they immediately did. No Answer coming from the Fogedar, the Deponent desired his Munchie to go to him, and explain the Matter; he accordingly went to the Gaut, and demanding a Passage, he was refused, and insulted in Terms the most abusive to the English. He returned, and telling this, the Deponent ordered him to take an Elephant and swim over; but when he attempted to enter the Nullah with the Animal, the Nijubs pointed their Matchlocks at him, and obliged him to desist: The Sepoys seeing this, and that the Horsemen were permitted to swim across, naturally imagined that the Objection was to the English only, and their Adherents; they thought it safest to abandon the Deponent, whom they must have concluded to be devoted, and throwing down their Coats and Arms, they followed the

N° 9. the Example of the Horsemen, in swimming across the Nullah, making a Merit with Shumshire Chan of giving the Deponent up to his Fate. One of the Subedars represented to Two others, the Folly of suffering for One Person; and proposed to them to deliver up the Deponent to Shumshire Chan or to the Country People; but the Proposal was rejected with Scorn, and One of the Subedars reported the Behaviour of the other immediately to the Deponent: The Desertion, however, was almost complete, for in a little Time, of the Four Companies, not Twenty remained, including Officers. It was almost Evening when Mr. Scott's Gomastah, with great Difficulty, at last obtained Permission from Shumshire Chan to send One Boat, but it came too late to render any effectual Assistance, for with the few Sepoys who remained, Command was at an End; and as most of the Deponent's Servants had gone off, his Baggage was left a Prey to the Banditti, who soon carried off and destroyed it. Some Things which a few of his Servants brought with them, they gave in Charge to the Fogedar's People, who promised to take Care of them, but they reserved them for themselves, or rather for the Fogedar; and though many of the Deponent's Things were seen in his House, he could never recover a single Article. For many Days during the Stay of the Deponent in Mr. Scott's Factory it was threatened to be attacked; and Shumshire Chan, though often applied to by Mr. Scott's Gomastah, constantly refused to grant the least Assistance: Notwithstanding this, Shumshire Chan was, and the Deponent believes is still, continued in Office; and while the Deponent was at Fayzabad, Shumshire Chan came there, and was well received by the Begum and her Ministers: From all which Circumstances the Deponent is convinced, that Shumshire Chan could not have dared to act as he did, had he not been authorized by the Begum and her Ministers, or at least had he not known that such Conduct would be agreeable to them.

(Signed) J. Gordon.

Sworn this 27th Day of  
November 1781, before me,

(Signed) E. Impey.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

N° 10.

A.

Jean Houvre Mordelait, Natif de Corbell, Province de l'Isle de France, fait Serment, et dit, Qu'étant malade à Mirzapore il fut laissé en arriere avec Quatorze de ses Camarades, lui inclus, tous servant dans la Compagnie de Chasseurs, commandée par le Capitaine Doxat; lorsque le dit Capitaine marcha avec les Troupes qui composoient le Detachment commandé par le Capitaine Meyaffre. Que lors du Depart du dit Capitaine le Raja de l'Endroit les fit entrer en son Entourage, pour plus de Sureté contre les Voleurs qui l'environnoient. Que sur leurs Representations qu'ils n'avoient pas d'Argent pour se fournir des Vivres, il leur fit donner à manger chaque Jour par un Banian. Qu'il les consola et les assura qu'allant voir ce qui se passoit à l'Entour de son Sirrail, il cherchoit après un Moyen de les faire passer à Chandernagore. Que des lors il ne revint point. Que le Commandement étant alors devolû au Second, il les fit appeller le Trentieme, et leur donna deux Roupies à chacun, pour servir à une Route qu'ils devoient faire de Deux Jours de Chemin. Qu'il l'en fit sçavoir que c'étoit ses Ordres de les renvoyer delà; et qu'il avoit aussi reçu Ordre de couler tous les Batteaux passant par Mirzapore. Que pendant ce Temps Cinquante de ses Gens furent envoyés pour s'emparer de leurs Armes; et que ces Gens prirent un Inventaire de ce que appartenoit à la Compagnie. Que le Lendemain ils furent contraints de se mettre en Route, leur Sacs placés sur des Chameaux, sur lesquelles ils furent obligés de monter à grands Coups de Fouet pour ceux qui refusoient. Que durant leur Route ils eurent toutes Sortes d'Indignités; qu'on leur crachoit au Visage, qu'on les battoit; que la seconde Journée un des ses Camarades fût assez heureux de mourir—que le Chemin qu'ils faisoient étoit parmi des Gorges de Montagnes, et qu'avec les Detours qu'ils firent il croit que le Trajet jusqu'à Laitiffghur, où ils arriverent le Deuxieme de Septembre, étoit plus de 40 Cofs. Qu'à la fin de la premiere Journée ils s'arrêtèrent à un petit Fort dans les Gorges, où leur mauvais Traitement fût redoublé. Qu'arrivé à Laitiffghur ceux qui vinrent avec eux se disperferent. Qu'ils furent entourés deux Heures qu'ils y resterent parmi environ deux ou trois mille Gens, qui les insultèrent grossierement, et particulièrement les accusa d'avoir assassiné le Raja de Guallier.—Qu'un de leurs Camarades, nommé François, fût mené auprès du Raja, lequel à son Retour leur declara que le Raja l'avoit assuré qu'en cas qu'il lui amena Compagnie François, qu'il auroit son Pain. Qu'après ils furent conduit hors de Laitiffghur de la même Maniere qu'auparavant, sous la Garde de quelques Sepoys, et autres Gens armés, à une petite Maison, fortifiée au delà de Laitiffghur, une Cofs sur le Chemin de Beyahghur. Que ces Gens y resterent pour les garder; qu'on ne leur donna ni à manger ni à boire. Que le Lendemain, étant le troisieme, un Chef de Laitiffghur avec dix Sepoys et environ 40 Hommes armés, les fit sortir à une Portée de Fusil de la Maison; qu'ils lierent leurs

# A P P E N D I X, N° 1.

Mains derriere leurs Dos ; et qu'en cette Position ils leur crierent de Manger, leur montrant des Vivres à quelque Distance dans des Corbeilles. Qu'après s'être amusé pendant une Heure ou deux de leur Misères, ces Barbares tirèrent leurs Sabres, et commencerent le Massacre. Que le susdit eut une Bayonette passée du travers du Corps et un grand Coup de pied sur les Reins, pour le faire resfortir. Qu'en cet Etat il feignit la Mort, et deux de ses Camarades tombant sur lui cachèrent sa Feinte. Que les Meurtriers se retirant après ce Carnage, il eut assés de Force pour se retirer dans les Junglis à vingt Pas de là. Qu'à la Discretion des Tigres il passa toute la Nuit. Qu' accablé de Soif, le Lendemain il descendit à un Ruisseau pour boire de l'Eau ; qu'il fut vû par des Campagnards, et amené à l'Endroit d'ou il étoit sorti le Jour avant. Que les Habitants le rassurèrent contre toute Crainte de sa Vie. Que leur Chef lui donna, pour lui et sa Femme, huit Pices par Jour ; laquelle Subsistance lui fut continué par Envoyen d'une Garde qui montoit, et étoit relevé chaque Jour de Laitiffghur. Que parmi les Gens qui étoient là, il ne reconnût aucun de ceux qui les tuaient. Que le 20<sup>e</sup>, le Jour le Raja s'enfuit de Laitiffghur, apres que lui et ses Troupes eurent passés, auprès de l'Endroit ou le susdit étoit, il se rendit à Laitiffghur sans Empechement, et même fut mis au large par les Habitans. Que la Nuit du 20<sup>me</sup> ou 21<sup>me</sup> il fut obligé de se cacher, pour se mettre à l'abri des Gens qui pilloient de tous Cotés. Que le Lendemain Matin à l'Entrée du Major Crabb, il fut decouvert, et heureusement mis en Sureté de toute autre Pour suite. Le susdit fait Serment, et dit de plus qu'il croit, que le Massacre provenit d'une Aste deliberée, et que ce ne pouvoit être le Resultat d'aucune Cause, comme ses Camarades et lui étoient trop tristes pour démontrer aucune Signe de Joie, s'abandonnant à la Mort d'après la mauvaise Traitement qu'ils avoient subits. Qu'au contraire, quand ils entendoient le Matin du Jour du Massacre, le Bruit des Canons et des Fusils, ils s'entre disoient tout doucement que leur Destruction seroit la Consequence infaillible, en cas que les Troupes du Major perdroyent la Bataille ; que même, lors de cette Communication d'Idées, ils n'y avoient aucuns de leur Gardes, ou autres Gens, pour les ecouter. Que leurs Expressions à ce Sujet se passerent lors du Bruit des Canons et des Fusils, lequel étoit de grand Matin : Que leurs Meurtriers n'arriverent de Laitiffghur qu' environ les Onze Heures ; que deux Heures se passerent à leur contraindre de tirer Habits, Chapeaux, &c. Qu'au lieu de Meurtre ils furent conduits en Chemise, et qu'il étoit environ une Heure après Midi, quand cette Aste de Barbarité fut commise.

(Signed) Mordelait.

Sworn before me, this 5th Day of  
December 1781.

(Signed) E. Impey.

A true Copy.

(Signed)

E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

A.

Alexander Hannay, Esq; Lieutenant Colonel in the Service of the Honourable United East India Company, maketh Oath, and saith, That in the Month of September last (1781) he commanded a Body of Troops, Horse and Foot, in the Service of the Nabob Vizier : That on the 10th of that Month, being encamped at Rygunge, near Fayzabad, employed in transporting the said Troops across the River Gogra, in order to act against the Insurgents to the Northward of that River, in the Evening he received Intimation from a Person living in the Zennana, that the Nabob Begum, Grandmother to the Nabob Vizier Asoph ul Dowla, had, through her Agents, prevailed upon the principal Jemmidar of Horse, to engage to detach himself from the said Deponent, and to abandon him ; and further warning the said Deponent to attend to his own personal Safety, as there was an Intention of detaining him at Fayzabad : That this Intimation was given to the Deponent in the Presence of Lieutenant Charles Middleton, to whom the Deponent did communicate it ; and that, during the whole Course of that Day (the 10th of September) he (the Deponent) had not been able to prevail on any of the Horsemen to cross the River—a Matter which he could not till then account for, but which served to impress him so strongly with a Belief of the Truth of the Information he had received, that he sent for the principal Jemmidar of Horse, circumstantially communicated the said Information to him, and, as forcibly as he was able, stated to him the Treachery, Disgrace, and Infamy, inseparable from so unmanly a Behaviour : That the said Jemmidar of Horse appeared much affected at the Conversation, and acknowledged that the Information was true in every Circumstance, except that of his having acceded to the Proposals that were made to him, which he declared he had rejected ; but said, they had also been made to the other Jemmidars of Horse by the Agents of both the Begums (the Nabob Vizier's Mother and Grandmother) ; and the Truth of this Assertion was afterwards affirmed to the said Deponent by Two of the said Jemmidars, and several of the inferior Officers and private Horsemen. The Deponent further declareth,

SUP. SEL. COM. REP. II.

X x

That

N° 11.

A P P E N D I X, N<sup>o</sup> 1.

N<sup>o</sup> II. That the above-recited Conversation passed in his the Deponent's Tent, to the best of his Recollection and Memory, on the Night of the 10th of September, in the Presence of Lieutenant Charles Middleton; and that, as the said Lieutenant Charles Middleton, did not perfectly understand the Moorish Language, in which the Conversation was held, he the Deponent explained the Nature and Subject of it to him as soon as the Jemmidar left the Tent. The Deponent further declareth, That he is restrained from mentioning the Names of the Jemmidars alluded to, from an Apprehension that their Names becoming public, might operate to their Prejudice, if not Ruin; but that the Facts which he hath deposed are Truth.

(Signed) Alex. Hannay.

Sworn before me (the Deponent  
declaring on his Oath, that  
the above Affidavit is written  
in his own Hand-writing at  
Benares) this 31st of Decem-  
ber 1781,

(Signed) Warren Hastings.

A true Copy of the original Affidavit.

(Signed) E. Hay,

Sub Secretary to the Honourable  
Governor General and Council.

A P P E N D I X, N° 2, 3.

A P P E N D I X, N° 2.

Extract of Bengal Consultations.

MR. Hastings being arrived, now takes his Seat at the Board, after having the customary Oaths administered.

20th Feb.  
1772.

Mr. Cartier takes Leave of the Board.  
Mr. Hastings assumes the Chair.

13th April  
1772.

A P P E N D I X, N° 3.

EXTRACTS of Correspondence betwixt the Government of Calcutta and Captain Harper, on the Subject of Cheyt Sing's Succession to the Zemindary of Benares.

Extract of a Letter to the Select Committee of Fort William; dated Fayzabad, the 25th August 1770.

I AM this Moment come from the Vizier, who sent for me to acquaint me of the Death of Bulwand Sing, which happened the Night before last. His Excellency desires me to inform you, that he shall set out for Benares in a few Days, to take Measures for his own Advantage; but that he shall be happy to act in such a Manner as will prove most agreeable to you, and that he hopes you will write him instantly on the Subject. This, however, the Vizier seems determined on, not to allow Bulwand Sing's Son to hold the same Authority as his Father did, either in Country or Forces.

The Nabob has desired that the 19th Battalion may march with him, which shall accordingly be done; and I hope by being with him, to prevent any extraordinary Measures until your Orders shall arrive.

(Signed) Gab<sup>l</sup> Harper.

Extract of a Letter to the Select Committee; dated Fayzabad, the 27th August 1770.

Yesterday Allage Cawn set out for Benares, with about 800 Cavalry; the Vizier has sent him thither, to assure the Inhabitants that they need be under no Apprehensions in consequence of the Rajah's Death, and also to prevent the Family of Bulwand Sing from desponding too much. I have just received Advices that they are all gone to Lateefgur. The Nabob will not, I believe, leave this Place until he hears from Allage Cawn the Situation of Affairs in the City and at Lateefgur.

(Signed) Gabriel Harper.

Extract of a Letter to the Select Committee; dated Fayzabad, the 4th September 1770.

The Vizier Yesterday informed me, that he had received a Letter from Allage Cawn; who acquainted him that Bulwand Sing's Son had promised to present the Nabob with Ten Lacks of Rupees, if he would grant him the *Sunnuds* his Father held. His Excellency has promised to do it, provided he pays him double that Sum as a Naziranah, and encreases the Revenue Five Lacks per Annum.

(Signed) Gabriel Harper.

Copy of a Letter from the Governor, dated Fort William, the 8th September 1770,  
to Captain Gabriel Harper.

" I have just received your Letter, enclosing one from the Vizier, and accompanied by your's to  
" the Committee, on the Subject of Bulwand Sing's Death: You will find I had before wrote his Ex-  
" cellency how agreeable it would be to the English Sirdars, were he to allow the Succession to fall on  
" his Son. It is a Circumstance of the utmost political Import to the Company's Affairs, and I need  
" not urge your taking every Opportunity of recommending it to his Excellency, and win him over  
" to the Measure, if possible. No Price can be too great; and I think the young Man ought to use  
" every

## A P P E N D I X, N° 3.

“ every Means of soothing his Jealousy and Avarice, without regard to Money. I now enclose a Letter to the Vizier, more earnest than the last, which you will second with all that can be urged on the Subject, but improper to be introduced in a Letter to him; and above all, endeavour to moderate any Measures he may possibly take, either disgraceful to the Rajah’s Son, or injurious to the Inhabitants of Benares.

(Signed)

John Cartier.”

Copy of a Letter from Captain Gabriel Harper to the Governor, dated Fayzabad, the 27th September 1770.

“ I have the Honour of your Letter of the 8th Instant, with the Letter to the Vizier, who, I have the Pleasure to acquaint you, is very well inclined to the young Rajah; and as it is agreeable to the English Sirdars to have him succeed his Father, his Excellency has desired me to march to Benares with the 19th Battalion of Sepoys, to be present at the Agreement betwixt his Agents and Cheyt Sing, and to prevent any Disturbances, as he cannot go thither himself, being confined by a Hurt on his Leg, which it will be necessary for him to be very careful of; he purposes meeting the General at Benares, but will go thither with a few People. His Demands on the Rajah’s Son are exorbitant; but as you advise that this young Man should not consider what Money he gives to secure the Succession, I shall enforce your Sentiments to him, and doubt not but this Business will be happily concluded.”

Extract of a Letter from the Select Committee, dated Fort William, the 25th September 1770, to Capt<sup>n</sup> Gabriel Harper.

“ The President has already communicated our Sentiments to the Vizier, in favour of Bulwand Sing’s Son. It has afforded us great Satisfaction to learn, that he will attend to our Recommendation to the Nomination of a Successor to the Zemindary of Benares, and we shall not fail to urge this Matter strongly to him. To this End we desire you will exert your utmost Endeavours, to prevail on the Vizier to confirm the Sunnuds to the Son of Bulwand Sing. The strong and inviolable Attachment which subsisted betwixt the Company and the Father, makes us most readily interpose our good Offices for the Son.”

Extract of a Letter to the Select Committee of Fort William; dated Camp at Benares, the 4th October 1770.

“ I had the Honour to address you from Fayzabad on the 22d September. I then acquainted you, that his Excellency had fixed his Departure for this Place the 1st Instant; but on his receiving the President’s Letter, advising him to grant the Succession of the Countries held by Bulwand Sing to his Son, being confined by a violent Hurt on his Leg, and judging that his Presence at Benares, and March through the Country, might be prejudicial to the Grain at this Time, he desired me to proceed with the 19th Battalion, and to be present at the Conferences betwixt his Agent and Cheyt Sing, relative to the Nezarana and Increase of Revenue. I immediately complied; and was fully convinced of the Propriety of my being present at the settling of the Succession, by the President’s Letter to me, which directed me to take every Opportunity of recommending the Measure to his Excellency, as it was of the utmost political Import to the Company’s Affairs, and that he thought the young Man ought not to consider the Price he paid to satisfy the Vizier’s Jealousy and Avarice. I was also convinced that an Agreement made betwixt Allage Cawn on the Nabob’s Part, and the Rajah’s Son, would be liable to Alterations, and might be revoked at Pleasure by the Vizier. This cannot now be the Case, as he will firmly abide by the Treaty of which I am to be a Witness. Cheyt Sing was so fully convinced of this, that he would not have settled the Terms at any Rate with Allage Cawn. He entered indeed into Negotiations with him, to preserve Appearances, and had once mentioned 10 Lacks as a Nizar, and an Increase of the Revenue 1 Lack per Annum. The Nabob demands 20 Lacks for the former, and an Increase of the Revenue 5 Lacks per Annum. A Medium will doubtless be determined on; and as it appears that no Delay ought to be admitted in this Affair, as the neighbouring Provinces are in such Commotion, I shall urge to the young Man the President’s Advice, and hope that the Agreement within Three or Four Days will be finally and happily concluded.

(Signed)

G. Harper.”

Extract of a Letter to the Select Committee of Fort William; dated Camp at Benares, the 8th October 1770.

“ I had the Honour to address you on the 4th Instant, since which I have had Two Meetings with Cheyt Sing, and have strenuously advised him, according to the President’s Sentiments in his Letter to me, to secure to himself the Succession of his Father’s Country.

“ There



## A P P E N D I X, N<sup>o</sup> 3.

“ There has not been much bickering about the Terms, as I have endeavoured to prevent any harsh  
 “ Behaviour from the Nabob’s Agent, and have convinced Cheyt Sing of the Necessity for comply-  
 “ ing with the Nabob’s Demands, as far as he could with Honour, and without distressing himself.  
 “ The Terms were this Morning finally concluded, 17 Lacks to be paid as a Nezarana, and an En-  
 “ crease on the Revenue of 2½ Lacks per Annum; the Nezar to be paid at Two Payments, Ten  
 “ Lacks immediately, the remaining Seven in Twelve Months. The Day after To-morrow Cheyt  
 “ Sing will receive the Kellaut, and the Sunnuds will be made out immediately. So soon as he puts  
 “ on the Dress, which will be done in a Tent pitched in the most public Place, I shall order a Salute  
 “ of 15 Guns to be fired by the Artillery of the 19th Battalion, in order to make the young Man of  
 “ more Consequence in his new Government, and to convince the People that it is through your Me-  
 “ diation he has attained to the Succession.

“ I have the Satisfaction to acquaint you, that all Ranks of People are satisfied with the Trans-  
 “ actions at this Place, and I live in Hopes that the Part I have acted will meet with your Approba-  
 “ tion. I will leave to the young Rajah and others, to acquaint you how I have conducted myself;  
 “ only thus much let me say, that I have kept a strict Eye, not to diminish our National Honour,  
 “ Disinterestedness, and Justice, which I am of Opinion has had a greater Effect in securing to the Com-  
 “ pany their vast Possessions, than ever the Force of their Arms, however formidable, could do.

(Signed) G. Harper.”

Extract of a Letter to the Select Committee of Fort William; dated Camp at Benares,  
 the 11th October 1770.

“ Yesterday Cheyt Sing was fully vested with the Government of the Districts held by Bulwand  
 “ Sing, and, I have the Happiness to acquaint you, amidst the Acclamations of a numerous People;  
 “ who I have taken Care to inform, that this favourable Change for them and the Family of Bulwand  
 “ Sing, has arose entirely from your Influence with the Vizier. It was also requisite that public  
 “ Praise to him should not be wanting, and it is with the highest Satisfaction I can inform you, all  
 “ Parties appear perfectly well pleased with the Manner of conducting and finishing this Business. I  
 “ shall now return directly to Fayzabad, as it may soon be requisite for the 19th Battalion to proceed  
 “ to the Westward.

(Signed) Gab. Harper.”

Extract of a Letter from the Select Committee to Captain Harper; dated Fort William,  
 the 19th October 1770.

“ We have received your Letters of the 4th and 8th Instant: The latter has afforded us the  
 “ greatest Satisfaction, in that we perceive our Wishes have been happily accomplished, in obtain-  
 “ ing for the Son of the late Rajah Bulwand Sing, the Zemindary of Benares. We cannot but  
 “ esteem it a lucky Circumstance, that the Vizier considered you as a necessary Witness to the Ne-  
 “ gociation carrying on betwixt his Agent and the young Rajah. The final Conclusion of this im-  
 “ portant Affair will stand as a Proof to the World of the Readiness with which the Vizier attends  
 “ to the Recommendations of the English; and its being brought so speedily to an Issue, without  
 “ those Altercations which generally prevail in Treaties of this Nature, we are inclined to attribute  
 “ in a great Measure to the Prudence of your Conduct whilst at Benares; of which we take this  
 “ Opportunity of expressing our Approbation.”

Extract of a Letter from the Governor to Captain Harper; dated Fort William,  
 the 25th October 1770.

“ I should be guilty of Injustice did I withhold my Approbation and entire Satisfaction of the  
 “ Part you have supported in some late Transactions at Benares; and shall ever allow you have been  
 “ the chief Instrument in bringing them to so speedy a Conclusion; nor have I any Doubt but  
 “ this Merit will be allowed you by our common Masters in England.—Your Disinterestedness has  
 “ been equally distinguishable as your Abilities; and both do you the greatest Honour; and if you  
 “ meet not the Reward which these deserve, a Consciousness of being both a useful and worthy  
 “ Servant, will administer the fullest Comforts.

(Signed) John Cartier.”



## A P P E N D I X, N<sup>o</sup> 4.

Lieutenant Colonel Harper's Evidence, on the Investiture, &c. of Cheyt Sing.

**L**ieutenant Colonel Gabriel Harper attending, was called in, and asked, Whether he was stationed at the Court of the Vizier Sujah Dowlah? he said, He was, with the Command of a Battalion of Sepoys.—Being asked, How long? he said, Near Six Years, from 1767 to 1774.—Being asked, Whether the Death of Bulwant Sing, the Rajah of Benares, happened during that Period? he said, It happened in August 1770.—Being asked, Whether he had any Instructions from the Council of Calcutta, relative to the Apointment of a Successor? he said, the Government of Calcutta, in their Letters to him, directed, that he should recommend to Sujah Dowlah to appoint Cheyt Sing, the declared Successor of his Father Bulwant Sing, to succeed to his Zemindary.—Being asked, Whether he was employed by the Vizier Sujah Dowlah, in settling the Terms of the Succession of Cheyt Sing to the Rajahship of Benares? he said, He was; and for that Purpose marched the 19th Battalion of Sepoys, which he commanded.—Being asked, Whether any Minister of the Vizier acted in Conjunction with him? he said, There was a Person on the Part of the Vizier, Elijah Khan, who at that Time engaged his Confidence.—Being asked, Whether Rajah Cheyt Sing accepted of the Sunnuds, and the Terms proposed by the Vizier, through him and his Minister? he said, There were several Conferences, but he finally accepted the Terms agreed to by us on the Part of the Vizier.—Being asked, Who performed the Ceremony of investing Cheyt Sing with the Grant of the Zemindary? he said, The Ceremony of putting on the Khelaut, or honorary Drefs, was performed by the Nabob's Officers, whose Duty it was; but the Sunnud was presented to him by him (the Witness).—Being asked, in what Manner, he said, The Ceremony was public; and the 19th Battalion of Sepoys, the Troops of the Vizier, who were with his Minister, and the Troops of Cheyt Sing, were all drawn up; and after the Ceremony of the Investiture was performed, he (the Witness) directed a Salute to be fired by the Arrillery of the 19th Battalion, on the Occasion.—Being asked, Whether the Sunnuds or Grants were the same as that by which Bulwant Sing enjoyed his Zemindary? he said, They were not the same; the Sunnud that Bulwant Sing held did not, he believes, extend beyond his own Life; that to Cheyt Sing was granted to him and his Heirs; there was an Encrease of Revenue to be paid by Cheyt Sing to the Vizier, he believes of Two Lacks and an Half of Rupees per Annum.—Being asked, When Cheyt Sing was invested with the Authority of the Zemindary, how this Appointment was received by the Inhabitants of Benares, and its dependant Provinces? he said, It was received by People in general with very great Satisfaction, particularly by those who were attached to the Family of Bulwant Sing, under whose Government they had lived in great Peace and Tranquillity.—Being asked, Whether Bulwant Sing was supposed to have left great Treasures behind him? he said, From the flourishing State of the Country under his Government, and Bulwant Sing being a Man of a parsimonious Disposition, it was supposed that his Treasury at his Death was very rich.—Being asked, Who succeeded to his Treasury? he said, Cheyt Sing.—Being asked, In what State of Cultivation the Province of Benares and its Dependencies continued under the Government of Cheyt Sing? he said, They continued to be in a very flourishing State, such as they were in the Life-time of his Father; for Cheyt Sing continued in Office most of those Men who had been in the Confidence of his Father, and had been employed by him.—Being asked, Whether Cheyt Sing was a Man of an expensive Disposition? he said, At the Time of his succeeding to the Government, he was a very young Man, and more fond of Shew and Expence than his Father.—Being asked, What Opinion Cheyt Sing entertained of the Solicitation of the Council of Calcutta in his Behalf? he said, He always spoke to him of it with the greatest Gratitude, and esteemed himself as principally indebted to the Interposition of the English Government, for so readily succeeding to the Possessions of his Father.—Being asked, at what Period the Grant of the Sunnud to Cheyt Sing was? he said, The Ceremony of Investiture was on the 8th of October 1770.—Being asked, If he knew, or ever heard, that a Sunnud with more ample Powers than that of 1770, was obtained for Cheyt Sing in 1773, he said, He never did hear of any; but as a full Answer to this Question, he begged Leave to refer to the Sunnud, which was executed in his Presence, with the Sunnud that was granted in 1773.—Being asked, Whether he knows the City of Benares? he said, Yes.—Being asked, Whether it is very large and populous? he said, It is very large and populous.—Being asked, Whether it was a Place of great Resort? he said, It was.—Being asked, Whether it was held sacred in the Hindoo Religion? he said, It was held very sacred.—Being asked, Whether it was a Place of great Disorder, Confusion, and Irregularity, beyond other great Towns in India? he said, As little as in any Place in India; but in the neighbouring Countries, particularly in the District of Budgapore, there were many People whose constant Livelihood was by Theft.—Being asked, Whether there was no Magistrate or Officer to superintend the Police of the City of Benares? he said, He believes the Police of that Place was better regulated than almost any other City in Sujah Dowlah's Country.—Being asked, Whether Property was held to be as secure in that Town as in any other Part of India? he said, He believes more so.—Being asked, Whether many Mussulmen did reside in that Town? he said, The Mahommedans bore a very small Proportion to the Hindoos.—Being asked, Whether the

## A P P E N D I X, N<sup>o</sup> 4.

Vizier did ever attempt to give them a Mahommedan Magistrate? he said, He believes not; he does not recollect any such Thing.—Being asked, If he thinks that a Mahommedan Magistrate would be pleasing to the Inhabitants? he said, Surely not.—Being asked, In what Light Sujah Dowlah considered the Solicitation of the Governor and Council of Calcutta, to confer on Cheyt Sing the Sunnuds for the Zemindary of Benares? he said, Knowing the Connection and Friendship that subsisted between Bulwant Sing and the English Government, he concluded it was extended to the Son; and wishing to live on Terms of Friendship and Amity, he granted the Sunnuds to Cheyt Sing with a very good Grace.—Being asked, Whether he complained of it as an Infringement upon his Rights, or a Degradation of his Authority? he said, He certainly did not, or he never would have requested him (the Witness) to take a Part in the Negotiation with Cheyt Sing, for his Succession to the Zemindary.—Being asked, Whether it was understood by the Tenor of the Treaty in 1770, that Rajah Cheyt Sing was liable to be removed from his Zemindary at the Pleasure of the English Government at Calcutta? he said, No, certainly not; he was Zemindar under the Government of Sujah Dowlah, and amenable to him only.—Being asked, Whether he was removable at the Vizier's Pleasure? he said, He conceives not, unless he had entered into Practices inimical to the Nabob's Government, and then he would be treated as any Government would treat a Delinquent.—Being asked, Whether he paid his Revenues punctually to the Vizier? he said, He has always understood, that it was a certain Resource to the Vizier, and that his stated Payments were never held back a single Day.—Being asked, Whether that Punctuality was usual in Payments from the Zemindars? he said, Not very usual.—Being asked, In what Light the Rajah of Benares was considered at the Court of the Nabob of Oude? he said, The Rajah of Benares was considered as a Person of great Respect and Consequence, and as a Person the most considerable of all his Dependants.—Being asked, Whether it was usual for him to make any extraordinary Demands, beyond the Rent, upon the Rajah of Benares? he said, During the Time he was in that Country, he never knew an Instance of it.—Being asked, If the Rajah of Benares had made any Remonstrances to him upon Grievances, real or supposed, whether it was not probable that he would never have received any Answer? he said, There certainly would have been an Answer given; for there was a Vackeel from the Rajah of Benares constantly resident about the Person of the Vizier, and through him all Letters and Business was transacted, and all Answers sent; and at the Time that he resided with the Vizier, there was a great Dispatch of all public Business.

And being asked, Whether he has ever had an Opportunity of knowing the late Vizier Sujah Dowlah's Opinion of the Constitution of the Council General of Calcutta? he said, Yes, he has frequently conversed with him upon that Subject.—Being asked, Whether he did understand the Nature of that Constitution, and their Dependence upon the Orders of the Company, and the Mode of Succession, in case of a Vacancy, to the Government? he said, From the Explanations he has given him, and from other Enquiries, he perfectly understood it; he admired very much the Institution of the Government which had the Management of so extensive a Country, and that was not subject to any Revolutions by the Death or Removal of any of its Members; Events that generally produced such extraordinary Consequences amongst the Princes of India, and even Persons of high Authority.—Being asked, Whether, from the Time that he delivered the Sunnuds of Zemindary to Bulwant Sing in 1770, to the Year 1773, when he quitted his Station with the Vizier, he remembers Cheyt Sing ever to have paid his Respects in Person to the Vizier? he said, He never did, nor ever could be prevailed on to do it.—Being asked, Why he was so averse to visiting his Superior? he said, His Father Bulwant Sing, fearful of Treachery, or of being compelled to act contrary to his Opinion, had never ventured his Person in the Presence of Sujah Dowlah, except in the Company of Lord Clive, and other English Chiefs; and his Son, keeping in his Confidence the same Ministers who had much Influence with his Father, kept alive the same Prejudices and Fears; and he conceives this to be the Reason why he never would attend at the Court of Sujah Dowlah.—Being asked, Whether Bulwant Sing or Cheyt Sing did make any Scruple of visiting the Governor of Calcutta or the Commander in Chief, whenever they came to Benares? he said, They were always ready to pay their respectful Attendance on them, and without any other than the usual Guards which constantly waited on them.—Being asked, Whether he was ever employed on public Business with the Rohilla Chiefs? he said, He was.—Being asked, Whether they ever came into the Presence of Sujah Dowlah? he said, They did.—Being asked, Whether there was any Guarantee of the English given on that Occasion? he said, There was by Sir Robert Barker, the General and Commander in Chief of the Army; and he attended them from their own to the British Camp. The Conferences with Sujah Dowlah and the Rohilla Chiefs were held at the Head Quarters of the British General.—Being asked, Whether those Chiefs would have ventured to meet Sujah Dowlah without such a Guarantee? he said, He is certain they would not: They had no Confidence in him; and declared to him (the Witness) that without the Guarantee of the British Government they would not trust themselves in his Power.

Being asked, When the Inferior lays his Turband in the Lap of a Superior, what is understood to be denoted by that Action? he said, It is an Act of great Humiliation, and implies a Reliance on the Protection of the Person, for his Person, Honour, and Fortune.

Being asked, Whether Bulwant Sing presided over the Civil and Criminal Jurisdiction of his Provinces? he said, He certainly did: He had the Power of Life and Death throughout his whole Dominions.

Being

## A P P E N D I X, N<sup>o</sup> 4, 5.

Being asked, Whether the Forts of Bidjegur and Luttfispore existed in Bulwant Sing's Government? he said, Yes, and long before his Government: Upon any Alarm or Apprehension of Danger, the Rajah constantly sent his Treasure and valuable Effects to those Fortresses, as Places of Security.

Being asked, Whether Benares is a wealthy City? he said, Yes, it is very rich, from the Residence of many capital Merchants and monied Men, whose Dealings, he believes, extend to every Part of India.

Being asked, If a Governor General and a Deputation of the Council General, being at Benares, should forbid the Rajah from visiting him or them, what Effect does he conceive would such an Order have on the Minds of the Inhabitants of that City? he said, Such a Prohibition would be considered as an avowed Mark of Displeasure and of Indignity to the Rajah; and if this continued for any Time, they would conceive a Revolution of the Government was intended.—Being asked, What he conceives would be the Opinion of the Inhabitants when they saw the Rajah put under an Arrest, and a Guard placed over him? he said, From their Attachment to his Person and Government, he conceives that the unfortunate Consequences which immediately followed his Arrest might have been expected from such Treatment.

---

## A P P E N D I X, N<sup>o</sup> 5.

EXTRACT of Bengal Secret Consultations, 20th July 1780.

To Major Jacob Camac.

Sir,  
**H**AVING appointed you to the Command of a Detachment ordered to be formed of Four Battalions of Sepoys, Three of which are to be furnished from the Army stationed at Cawnpore, and the Fourth the Battalion of Light Infantry commanded by Captain James Browne, we direct you to proceed to Cawnpore, or to the Station of that Detachment, wherever it may be, and to conduct it without Loss of Time into the Dominions of the Rana of Gohed, there to relieve the Corps now under the Command of Captain Popham in that Quarter.

The Ranna of Gohed having in virtue of a Treaty lately concluded between him and this Government, required the Aid of a Military Force on the Part of this Government, for the Defence of his Country against the Marattas who had invaded it, Captain Popham was appointed to this Service, and to this you now succeed: We therefore direct that you comply with such Requisitions as shall be made to you by the Ranna for this, and for such other Conditions as he is entitled to demand by the Treaty, and shall be practicable with the Force under your Command.

Whenever the Ranna shall have no further Service for the Detachment, and shall dismiss it in the Manner prescribed by the Treaty, and no Occasion shall present itself for the Employment of the Detachment in promoting the general Success of the War in which we are engaged with the Maratta State, you are forthwith to return with it into the Dominions of the Nabob of Oude, and there wait for further Orders. And if, before your March into Gohed, you shall receive an Intimation from him in Writing, that he shall not require the Assistance of your Detachment, you will in like Manner suspend your March, and wait for further Orders.

But as the First Design of this Government, in the Alliance lately formed with the Ranna of Gohed, was to distress the Maratta State by a Diminution of their Power, Revenue, and Influence; and, by uniting with other Powers in Enmity with them, to divert and weaken their Operations; and as the Maratta Dominions, which lie contiguous to Gohed, appertain to Mahdajee Scindia and Tuccoojee Holcar, the Two principal Rulers of that State, and the Leaders of the Army employed to oppose General Goddard, we authorize and instruct you, in case you shall judge it practicable and expedient, to carry the War immediately into that Quarter, requiring from the Ranna the Proportion of Cavalry stipulated by the Treaty to be furnished by him for such a Service; or, in case of his Inability, whether from the Season of the Year, or from whatever other Cause, to fulfil this Condition in its complete Extent, to require and accept from him such other Aid, in furnishing Provisions, and in forming Magazines of Grain, and other Means of Subsistence and Communication, as you shall judge equivalent to it.

For your Guidance in maintaining the Relation of your Command to the Ranna of Gohed, we herewith deliver you a Copy of the Treaty executed with him, and we require and enjoin you to conform to it with the most scrupulous and literal Exactness.

If any Case shall occur for which we have not provided by these Instructions, and which shall not be contrary to them, we empower you to act therein according to your own Judgment; in all others, these Instructions are positive, and must be implicitly obeyed.

The

## A P P E N D I X, N<sup>o</sup> 5, 6.

The Commissary General having drawn out an Establishment for your Detachment, which meets with our Approbation, we transmit it to you; desiring at the same Time, that you do not, on any Account, suffer the smallest Alteration or Deviation to be made in it.

Fort William,  
20th July 1780.

We are, &c.

---

## A P P E N D I X, N<sup>o</sup> 6.

EXTRACT of Bengal Secret Consultations, the 3d October 1780.

THE Commander in Chief delivers in the following Minute:

Sir Eyre Coote—The great Loss of Troops upon the Coast, of which we have daily Confirmation, and the dispirited Situation to which those remaining are reduced, will render the small Number now going by Sea very inadequate to the Service expected, unless supported by a Detachment of Sepoys to march by Land into the Circars, the Defence of which must now be extremely weakened by the Necessity there must have been of drawing the Troops stationed for their Defence towards the Presidency; I therefore propose that Six or Eight Battalions of Sepoys, with their Guns, and One Company of Artillery, be ordered to be in Readiness to march through the Cuttack Road towards Madras, and the Order for their March to depend upon the Hopes we have given us that the Maratta Army, now lying there, will either join us, or return; as without this, or a Peace concluded with the Marattas, I never can advise any Detachment of Troops marching from hence to the Coast.

(Signed) Eyre Coote.

Agreed to the Proposition made by the Commander in Chief.

Extract of Bengal Secret Consultations, the 26th October 1780.

The Governor General—In Consultation the 3d October last, it was recommended by the Commander in Chief, and resolved, That 6 or 8 Battalions of Sepoys, with their Guns, and One Company of Artillery, be ordered to be in Readiness to March through the Cuttack Road towards Madras; the Order for their March being to depend on the Hopes given us, that the Maratta Army, now lying there, will either join us or return. To form a Detachment of this Strength will require many preparatory Arrangements, which can hardly be completed in less Time than a Month, or perhaps Six Weeks, from its first Formation. The fair Season is now begun, and the Answers from the Government of Berar to our late Dispatches, must be expected much within the Course of the ensuing Month; if these are favourable, the Detachment ought not to lose an Instant after their Arrival, in commencing its March. I myself have every Reason to believe that their Answer will be as favourable as we can wish. These Reasons I shall now communicate to the Board; in the mean Time I move, that Orders be immediately issued for forming the Detachment, and that it do consist of One Company of Artillery, and Six Battalions of Sepoys with their Guns. I take the Liberty to recommend, that Lieut. Colonel Pearse be appointed to the Command of this Detachment, and Major Edmonstone to be the Second in Command. The first of these Recommendations I can venture to assure the Board will be agreeable to the Commander in Chief, and that it was his Intention to have offered it himself. The second proceeds solely from my Opinion of the Qualifications of Major Edmonstone, whom I know only as an Officer, neither is he acquainted with my present Wishes upon this Subject.

If the Board shall approve of those Propositions, I further beg Leave to suggest the Expediency of replacing the Number which will be thus taken from our Native Infantry, by such Means as shall be judged the most effectual and least burthensome in their Expence; that which has occurred to me, and which I submit to the Consideration of the Board, is, to augment all the Battalions which remain, by an equal Number of Rank and File distributed amongst them, to be hereafter drafted, and formed into regular Battalions of the established Strength, when they shall be required for actual Service. This Expedient, if the Board approves it, may be referred to the Provincial Commander in Chief, and his Opinion upon it desired, or in place of it, any other which he may judge more suitable to the End proposed.

The Governor General lays before the Board, for their Perusal, a Translation of a Letter from Maha Raja Moodajee Boosla, received on the 20th Instant, and of a Letter from Dewangur Pundit, the Maha Raja's Dewan, to Beneram Pundit, referred to in it.

## A P P E N D I X, N<sup>o</sup> 6, 7.

Mr. Wheler—I agree to the forming of the Detachment now proposed by the Governor General, in consequence of the Resolution of the 3d Instant, in order that it may be in Readiness to act as we may judge proper, after receiving the Advices that are expected from the Government of Berar. I accede to the Wishes of the Commander in Chief in the Appointment of Lieutenant Colonel Pearse to the Command of this Detachment, and to the Governor General's Recommendation of Major Edmonstone to the Second in Command; I also agree to refer to the Provincial Commander in Chief, the Expedient proposed by the Governor General, respecting the Number of Sepoys which will be taken from the present Strength of our Military Establishment by this Measure.

Mr. Francis—Mr. Wheler has so exactly expressed what I meant to say, that I shall content myself with subscribing to the same Answer to the Governor General's Motion.

Agreed, That Orders be immediately issued for forming a Detachment to proceed over Land towards Madras; that the same do consist of One Company of Artillery, and Six Battalions of Sepoys with their Guns; and that Brigadier General Stibbert be directed to carry this Resolution into Execution.

Agreed, That Lieutenant Colonel Pearse be appointed to the Command of the Detachment, and Major Edmonstone to be Second in Command of it.

## A P P E N D I X, N<sup>o</sup> 7.

EXTRACT of Bengal Secret Consultations, 12th June 1775.

**T**HE Governor General lays before the Board the following Minute and Observations for their Consideration.

The Sovereignty of the Zemindary of Benares and its Dependencies having been ceded in Perpetuity to the Honourable Company, by the Fifth Article of the Treaty lately formed with the Nabob Assof ô Dowla; it becomes immediately necessary to determine, in what Manner this Right shall be exercised, and the regular Payment of the Revenue due from the Rajah secured.

The Governor General moves, That this Subject be taken into the Consideration of the Board; and submits to their Correction and Approval, the following Plan of Settlement with Rajah Cheyt Sing, to be observed until the Pleasure of the Company respecting it shall be known; declaring his Readiness to acquiesce in any other which may be proposed, on Terms by which more effectual Provision may be made for the Interest of the Company, without an Encroachment on the just Rights of the Rajah, or the Engagements actually subsisting with him.

1. That Rajah Cheyt Sing shall pay into the Treasury of the Honourable Company at Patna, in equal Monthly Payments, the Yearly Revenue of 22,48,449 Senewaut R<sup>s</sup>; being the Sum settled with the late Nabob Shuja Dowla, and confirmed by an Agreement executed by the said Nabob, in Presence of the President of the late Council of Fort William, at Benares, under Date the 6th of September 1773.

2. That the Rajah shall be empowered to exercise a complete and uncontrolled Authority over his Zemindary, under the acknowledged Sovereignty of the Honourable Company, in the Government of the Country dependant on him, in the Collection of the Revenues, and in the Administration of Justice.

3. That Sunnuds be granted to the Rajah, specially conferring upon him the Power of appointing Officers to the Charge of the Cutwally, and the Mint of Benares; the latter to be subject to such Orders and Regulations as the Governor General and Council shall at any Time think it proper to Decree.

4. That in return for these Concessions, and for the Performance of his Duty as a Vassal to the Company, the Rajah shall engage to maintain in constant Pay, and ready at all Times for immediate Service, a Body of Two thousand Horse, on such a fixed Establishment as shall be prescribed by the Governor General and Council; and that whenever the Service of this Corps shall be required by the Governor General and Council, it shall be consigned to the Command of such Officer or Officers as they shall appoint, and be allowed from the Company an additional Pay or Gratuity of Fifteen Rupees per Month for each Private Man, and in Proportion for the Officers of the said Corps, during the Time of such Service.

5. That while the Rajah shall continue faithful to these Engagements, and punctual in his Payments, and shall pay due Obedience to the Authority of this Government, no more Demands shall be made upon him by the Honourable Company, of any Kind; or on any Pretence whatsoever shall any Person be allowed to interfere with his Authority, or to disturb the Peace of his Country.

1. There



1. There is no Question that the Rajah can well afford to pay this Proportion of the Rents of his Zemindary, which consists of as rich and well-cultivated a Territory, as any District perhaps of the same Extent in India. The Company have a clear and indisputable Right to this Sum; nor is it likely that he will either contest it, or desire any Remission of it; besides, the other Conditions proposed in this Plan will virtually prove both an Augmentation of his Means, and a Diminution of his real Payments to Government, as will be shewn in the Remarks on the last Article.

It is proposed to receive the Payment of his Rents at Patna, because that is the nearest Provincial Station, and because it would not frustrate the Intention of rendering the Rajah independent; if a Resident was appointed to receive the Money, as it became due, at Benares, such a Resident would unavoidably acquire an Influence over the Rajah and over his Country, which would in Effect render him the Master of both. This Consequence might not perhaps be brought completely to pass without a Struggle, and many Appeals to the Council, which, in a Government constituted like this, cannot fail to terminate against the Rajah, and, by the Construction to which his Opposition to the Agent would be liable, might eventually draw on him severe Restrictions, and end in reducing him to the mean and deprived State of a mere Zemindar.

2. The Advantages which the Rajah will receive from these Concessions, exclusive of the Gratifications which his Pride would obtain from the Possession of a State of Power and Dignity unknown to any of his Ancestors, and the Security of his Person and Possessions from the Company's Protection, may be rated equal to many Lacks of Rupees, which though saved to him, are no Loss to the Government on which he depends; being all Articles of invisible Expence in Fees to the Ministers and Officers of the Nabob, in the Charges of a double Establishment of Vackeels to both Governments, in Presents and Charges of Accommodation to the Nabob during his Residence at any Place within the Boundaries of his Zemindary, in the Frauds, Embezzlements, and Oppressions exercised in the Mint and Cutwally; besides the allowed Profits of those Officers, and the Advantages which every Man in occasional Power, or in the Credit of it, might make of the Rajah's known Weakness, and the Dread he stood in, both of the Displeasure of the Nabob, and the Ill-will of Individuals among the English, who were all considered, either in their present Stations or Connections, or the Right of Succession, as Members of the State of Bengal. It would be scarce possible to enumerate all the Inconveniencies to which the Rajah was liable in his former Situation, or to estimate the precise Effect which they produced on his Revenue, and on the gross Amount of his Expences; but it may be easily conceived that both were enormous, and of a Nature the most likely to lessen the Profits of Government, instead of adding to them.

3. These Offices have been considered as Marks of Sovereignty, at least this has served for the Pretext to withhold them from the Possession of the Rajah, to whom they have been a heavy Grievance; the Cutwally especially, which being held in Farm, and exercised under the Authority of a Prince who had no Interest in the Welfare or Ease of the People, has always been represented, as in its obvious Tendency it could scarce fail to prove, a Source of the worst Corruption and Oppression, from which there was no Appeal. If there be any Weight in the Plea for referring these Prerogations to the Company, the Grant of them to the Rajah himself by special Sunnuds, will be a sufficient Expression of their Sovereignty, although the solemn Renunciation of it already made by the Nabob of Oude, is the best and most valid Charter under which it can be claimed, and while they have Three Brigades and a full Treasury to assist it, there is no Fear that their Right to it will be opposed by Reasonings drawn from implied Symbols of Dominion.

Some Regulations will be immediately necessary for the Mint, and others may occasionally become so. No Alterations should be made in the Weight or Alloy of the Coin to be debased, and the Rajah himself hold his Right to the Mint, on Condition of his faithful Observance of these Rules.

By the Custom of Benares, all Rupees struck in the Mint are called Siccas, and pass as the current Coin of the Country for One Year, after which they are charged with a Batta, varying from 2 to 3½ per Cent. according to their Dates, and pass under the Denomination of Lunwauts or Gowher Shakees. It is in these Species that the Rents are payable to Government, and while they continue of equal and proper Qualities, they may be introduced into Circulation in the Province of Bahar, without Loss to the Company, and with an Advantage to the Collections. But the greatest Care ought therefore to be taken that the Rupees be not debased; for if they are, they will occasion a double Loss on the Company, by the immediate Discount on them in the Treasury, and by a false Currency introduced into the Revenue.

4. I rather propose this for Consideration than recommend it. Such a Body of well-disciplined and well-appointed Cavalry will give Credit to the Rajah, and may prove serviceable to this Government, though the Occasions will rarely happen in which we shall want it. The additional Pay will make them our own when we do want them, and will be no great Expence.

5. The voluntary Restraint laid by the Government on its own Actions, will afford the Rajah the greatest Confidence, and naturally inspire him with Sentiments of Fidelity and Attachment, both from the Principles of Gratitude and Self-Interest. Without some such Appearance, he will expect from every Change of Government, additional Demands to be made upon him, and will of course descend to all the Arts of Intrigue and Concealment practised by other dependant Rajahs, which will keep him indigent and weak, and eventually prove hurtful to the Company. By proper Encouragement and Protection he may prove a profitable Dependant, an useful Barrier, and even a powerful Ally to the Company; but he will be neither, if the Conditions of his Connection with the Company are left open to future Variations.

Ordered,

## A P P E N D I X, N<sup>o</sup> 7.

Ordered, That these Minutes be circulated to the Members of the Board, for their more attentive Perusal and Deliberation.

Extract Bengal Secret Consultations, 5th July 1775.

Re-considered the Governor General's Minute and Plan, proposed for a Settlement with Rajah Cheyt Sing, for the Countries lately ceded by the Nabob; which Minute, &c. are recorded in Consultation, the 12th of June.

Read the first Article of the proposed Plan.

The Governor General.—When I proposed the Sum of 22,48,449 Rupees, as the Sum to be fixed for the Rajah's Annual Payments, I meant the Sum which the Rajah actually paid to the late Vizier, being the Amount of the Agreement made with the Vizier, on the Accession of this Rajah to the Zemindary of Benares, and confirmed by the Vizier in my Presence; but I have since received from the Vackeel sundry Accounts, by which it appears, that the Sum annually paid, was 23,72,656. 12.

Ordered, That the Accounts be entered after the Consultation.

The Vackeel of Rajah Cheyt Sing attending the Board, in consequence of the Desire of the Governor General to him, he is called in, and the following Questions put to him:

Question. In what Manner were the Payments of the Revenue made to the late Nabob, and how was the Money remitted to him?

Answer. A Kistbundee was formed at the Commencement of every Year, for the Payment of the Revenue, by monthly Kists or Instalments, into the Houses of Cushman Mull and Lalla Bucharaje, two principal Shroffs at Benares, who were appointed the Nabob's Receivers; they paid this Money to the Nabob, partly by Tuncaws or Assignments, and partly by Remittances in Specie, through the Nabob's Agents, who were deputed to Benares for that Purpose.

Question. Whose was the Expence of the Shroffage, and the Charges of the Receivers?

Answer. The Nabob's.

Question. Do you know whether it would be agreeable to the Rajah, or will you undertake, on his Behalf, to answer for his Consent, to pay into the Company's Treasury at Calcutta, without Deduction, and punctually, in equal monthly Payments, the same annual Sum which has been hitherto paid to the late Nabob Vizier, and to the present Nabob Asoph ul Dowlah?

Answer. No; the Rajah could not agree to it; the Risk, the Expence, and the Length of the Way, are insuperable Obstacles.

Question. Do you know if the Rajah would consent to pay his Rent at Patna?

Answer. There are two Objections; the Length of the Way, which would occasion a great Expence; and the Risk.

Question. What Authority do you hold from the Rajah, and under what Commission do you act?

Answer. I have no other Authority than the Letter which I have delivered to you from my Master.

The Vackeel now takes his Leave, and withdraws.

Read again the First Article of the Governor General's Plan, and his Observations on it.

Mr. Francis—I agree to the Sum, upon the Supposition that it is equal to the Whole of what was paid by the Rajah to the late Nabob; but I think it ought to be paid into the Company's Treasury at Calcutta, at the Rajah's Risk and Expence.

Mr. Barwell—I agree to the Question; but prefer Calcutta, and, if the Rajah cannot be persuaded to make the Payments there, the Company might subscribe to the Difference of Exchange and Remittance.

Colonel Monson—I agree to the Question; but think the Rajah should be asked to make his Payment at Calcutta.

General Clavering is of the same Opinion.

The Governor General—I agree with the Board, that it would be more expedient; but as it will be attended with great Expence, the Rajah will no Doubt require an Allowance for the Difference. It may be proposed to him.

Agreed to the first Article of the Plan; but that it be proposed to the Rajah, to pay his Tribute at Calcutta, instead of Patna.

Read the Second Article of the Plan.

Mr. Francis approves of this Article, reserving only our Claim to a reasonable Compensation for the Surrender of the Cutwally and Management of the Mint to him; if the latter should be left entirely to him.

Mr. Barwell is of Mr. Francis's Opinion.



## A P P E N D I X, N<sup>o</sup> 7.

Colonel Monson—No Concession should be made to the Rajah; he should remain exactly in the same State of Dependence and Subordination to the Company, as he was in to the Nabob.

General Clavering—I am of Opinion, that the Rajah should hold his Zemindary of the Company on the same Footing precisely that he held it of the late Nabob; and that if the Administration of Justice be given to him, a suitable Equivalent may be obtained, equal to the Advantages that accrue to him from it.

The Governor General observes, that his Opinion is included in the Question.

Agreed to the Second Article of the Plan; but that a Compensation be demanded of the Rajah for the Cutwally.

Read the Third Article of the Plan.

Mr. Francis—The Grant of Sunnuds for the Cutwally should be in consequence of a pecuniary Compensation to be agreed upon between us and the Rajah. If it be thought fit to leave him in Possession of the Mint, it may be necessary that the Company should appoint a Mint Master, to take Care that the Standard of the Rupees to be coined there shall not be altered, or that some other sufficient Precaution be taken for that Purpose: He should also, I think, pay some Compensation for so great a Privilege as that of a Mint.

Mr. Barwell—I think the Rajah should be made the Officer of this Government, to exercise the Sovereignty in the Two Instances noticed in this Article, in Preference to any other Person; he should pay to the Government the Sum at which the Cutwally and Mint were leased for this last Year, or upon a Medium for these Three last Years, by the Nabob Vizier. It should be particularly specified in the Article for the Mint, the Standard at which the Coin is to be kept up; and that in consequence of any Abuse proved upon the Officers intrusted with the Management, it shall be deemed a Breach of this Article, and render it void.

Colonel Monson—Sunnuds may be granted to the Rajah, for appointing Officers to the Cutwally and Mint, on his paying an annual Compensation for them. The Rajah to be responsible that the Coin be not debased; if it should, his Right to the Zemindary to be forfeited, and to be disposed of as the Company shall think proper.

General Clavering—I have no Objection to giving the Cutwally both of Benares and Juanpore to the Rajah, upon his making a just Compensation for all the Advantages which he will receive from it; and I am of the same Opinion with regard to the Mint, provided it should be thought proper to establish it at Benares; but in that Case there should be either an Officer from this Government to superintend it, or the Rajah should be subject to a very severe Penalty, if the Superintendancy of it is left with him, and that he should debase the Coin; but I think it is impossible to determine these Points till we know the Rajah's Sentiments upon them.

The Governor General's Opinion is comprehended in the Question.

Agreed to the Terms of the Third Article, on the Rajah's paying an annual Compensation to the Company for the Cutwally and the Mint, and obliging himself to coin Money of the precise Standard only, which shall be fixed by the Board:

Read the Fourth Article.

Mr. Francis—I object to our compelling the Rajah to keep up an extraordinary Force for our Service, considering it in Effect as an Encrease of the Tribute, which is contrary to the Principles which have guided my Judgment from the First Onset of this Negotiation; I have no Objection however to its being made an Article of Agreement with him, that he shall either put the Troops which he now keeps upon a better Footing in point of Discipline, or disband them, and raise an equal Number in their Stead. What will be the best Method of making such Troops useful, or whether Cavalry should be preferred to Infantry, are military Points, of which I do not pretend to judge. I understand that there are local Objections to the Utility of Cavalry in the Rajah's Country.

Mr. Barwell—I am of Opinion that the Rajah should keep up such a Body of Forces; but entertain the same Sentiments with Mr. Francis respecting its being an Enhancement of his Tribute, and of any Degree of Compulsion to induce him to it.

Colonel Monson—I am of Opinion the Company should receive the Rajah's Assistance on the same Terms he gave it to the Vizier or the present Nabob. Cavalry, I understand, is an improper Force for this Country; which is bounded on the North by the Gogra; on the South by the Mountains; on the West by Asoph ul Dowla's Territories; and on the East by Bahar. The Extent Westward, from North to South, is not above Fifty or Sixty Cofs, which is watered by Four Rivers; the Gogra; the Gumpy; the Saye; and the Ganges, intersected by many very considerable Nullas, and otherwise strengthened by Woods, Inclosures, and Villages. That Part to the West of the Frontier, from the Gumpy to the Ganges, is almost an entire Jungle inhabited by Robbers. There is no Ground in the Country, or its Environs, North, West, and South, for some Distance, free from Mountains, Nullas, Topes, Brushwood or Jungle, Inclosures, and Villages; I therefore think Infantry a more proper Force for this Country; but if the Rajah should be required to keep Cavalry more for the Defence of these Provinces than his own, they should be officered and disciplined in the European Manner.

General Clavering—I understand that the Rajah does keep up a large Body of Cavalry; and that Five hundred of these, which assisted, under the Command of the Captain of the Governor's Guards, in the Conquest of the Rohilla Country, were absolutely useless by their total Want of Discipline when

## A P P E N D I X, N<sup>o</sup> 10, II.

hold or may have on the Revenues of the Dominions of the said Nabob : And to form and conclude such several Engagements or Treaties with the Nabob Vizier, the Government of Berar, and with any other Chiefs or Powers of Hindostan, as he shall judge expedient and necessary ; whether for the Termination or more effectual Prosecution of the War with the Maratta State, or for the Advancement of the Interests of the Honourable Company, or for the strict and permanent Confirmation of the Alliances, which do at present subsist, or which he shall judge it necessary to form, with the said Chiefs and Powers respectively. And it is hereby declared, that all such Acts, and all such Engagements or Treaties, made as aforesaid, shall be binding on the Governor General and Council, in the same Manner, and as effectually as if they had been passed and done by the special and immediate Concurrence and actual *junction* \* of the Governor General and Council, in Council assembled.

Given in Fort William, under the Seal of the Honourable Company, and under the Hands of the Governor General and Council, this Third Day of July, in the Year of our Lord One thousand Seven hundred and Eighty-one.

\* Junction on Consultation.

## A P P E N D I X, N<sup>o</sup> 11.

11th February 1783. Evidence of Lieutenant Colonel Crabb, respecting the Disturbance at Benares, and relating to Bidjegur Prize Money.

**L**IEUTENANT Colonel Crabb, attending according to Order, was examined ; and being asked, How long he has served the East India Company ? he said, Fourteen Years.—Being asked, Upon what Establishment ? he said, The Bengal.—Being asked, When he left Bengal ? he said, He left the River the 2d of May 1782.—Being asked, Where he was when the Governor General arrived at Benares ? he said, He was at Cawnpore Cantonments, in the Dooabb, or the Country between the Two Rivers.—Being asked, If he received any Intelligence that Cheyt Sing had entered into a Confederacy with several Powers in India against the East India Company, before the Arrival of Mr. Hastings at Benares ? he said, He did not receive any such Intelligence particularly ; but such Reports were circulated ; how they arose he knows not.—Being asked, From what Time he dates that Circulation ? he said, He supposes Four or Five, or perhaps Six Months before the Governor General's Arrival at Benares.—Being asked, Who were the Persons the most active in circulating those Reports ? he said, He cannot ascertain any particular People ; it was a common Report in the Bazar.—Being asked, If he credited it as a Thing serious ? he said, He did not.—Being asked, What Time he was ordered to Benares ? he said, Orders came from the Governor General to Colonel Morgan, commanding the Brigade in which he served, about the 28th of August, and he (the Witness) was detached on the 30th with Two Regiments of Sepoys, and One Company of European Grenadiers, and One of Light Infantry, and Six Field Pieces, and joined the Governor General at Chunargur on the 10th or 11th of September.—Being asked, Whether there was not a general Insurrection in the Provinces of Benares and Gazypore, at the Time of his Arrival at Chunargur ? he said, There was.—Being asked, Whether he was at Benares after the Insurrection was quieted ? he said, He was there the Beginning of November, when the Country was restored to Peace.—Being asked, What Time Sir Elijah Impey arrived at Benares ? he said, He believes it was in the first Week of November.—Being asked, From whence he last came ? he said, The Troubles had detained him, and he came last from Patna.—Being asked, What was his Errand to Benares ? he said, It was reported on a Visit to the Vizier.—Being asked, Who was with him ? he said, Lady Impey, —Being asked, Whether he had any Suite, he said, He believes he had Two or Three Gentlemen ; but he cannot say with Exactness.—Being asked, Whether the Governor General was there at that Time ? he said, He was.—Being asked, Whether he heard that Sir Elijah Impey was an Acquaintance with the Vizier ? he said, No, he did not.—Being asked, Whether he has ever seen a Letter from the Governor General to Major Popham, dated in October 1781, relative to the Distribution of the Prize Money taken at Bidjegur, and other Fortresses of Cheyt Sing ? he said, He has not.—Being asked, Whether he has never heard of such a Letter being sent ? he said, He did hear some Letters had been sent to that Purpose.—Being asked, Whether he and his Detachment was employed in actual Service in quelling the Insurrection ? he said, Yes.—Being asked, Whether he and his Detachment received any Share of the Prize Money taken in Bidjegur ? he said, He did not, but the Detachment did.—Being asked, What was the Reason assigned for his Exclusion ? He said, The Reason assigned was, that he was not actually present at the Surrender of the Town.—Being asked, Whether he does not understand, that a Committee of Officers, of their own Authority, made a Division of the Spoil ? he said, That a Division was made, is certain ; but whether of their own Authority,

## A P P E N D I X, N<sup>o</sup> 11, 12.

thority, or by the Directions of Major Popham, their Commanding Officer, he cannot say.—Being asked, Whether it was the Sense of the Officers upon that Service, that the Governor General had given them any Assurances, that they should divide whatever was taken? he said, He never consulted any of them on the Subject, his Time with them was so short before he marched against Luttispore; and after rejoining the Detachment, his Health obliged him to quit it immediately.

Being asked, If Rajah Cheyt Sing had been really disposed to rebel against the British Government, whether he does not think one Brigade of the British Army would have been fully adequate for his Reduction? he said, He thinks it was.—Being asked, Who were the Powers with which the Report said the Confederacy with Cheyt Sing was formed? he said, The Marattas.—Being asked, Whether there were any Circumstances in the Company's Situation at that Time to consider those Reports probable? he said, Not that he knew of; Reports were circulated one Half Hour, and contradicted the next; and no one can trace the Origin.—Being asked, Whether the Company was at War with the Marattas, or any Part of their State, at that Time? he said, They were.—Being asked, Whether our Military Affairs at that Time were in a very flourishing State on the Coast of Coromandel? he said, He thinks not.—Being asked, If the Marattas had been able to persuade Cheyt Sing to enter into a Confederacy, whether it would have favoured any Irruption they might have intended into the Provinces of Bengal? he said, He thinks it would.—Being asked, Whether he found the Minds of the principal native Inhabitants, in those Parts where he resided, favourably disposed towards the British Influence in India? he said, Yes.—Being asked, Whether he did, before or about the Time alluded to in the former Part of his Evidence, hear of any Reports of a general Confederacy among the principal Powers in Hindostan, for the Purpose of expelling the British from that Empire? he said, He did not.—Being asked, Whether, after the Troubles were quieted in Benares, the Inhabitants were pleased with the Change of Government? he said, His Time was so short, and his Health was so bad, that he had no Conversation with the People of the Country, sufficient to enable him to form any Opinion on the Subject:

## A P P E N D I X, N<sup>o</sup> 12.

### EXTRACT of BENGAL STANDING ORDERS.

In the Commission and Instructions sent per Ship Tavistock; dated 26th February 1702-3.

Par. 4. **W**E do strictly enjoin, That all our Affairs be transacted in Council, and ordered and managed as the Majority in the Committee shall determine, and not otherways, upon any Pretence whatever; and to that End, that all the Council do reside upon the Place: And though we hope you will all be unanimous in the Pursuit of our common Interest; yet, if on any Occasion it happens your Votes are equally divided, the same must be determined by Lot; as we, by our new Charter, are directed in such Case to do.

### EXTRACT of General Letter to Bengal; dated 9th February 1736.

Par. 67. Our Orders are, that all our Affairs should be regularly transacted in Council, and every Member duly summoned to attend.

### EXTRACT of the Company's General Instructions to the Governor General and Council of Bengal; dated 29th March 1774.

Par. 39. It is also our express Direction, That you not only strictly attend to the Standing Orders of the Company, communicated to their Presidency of Fort William, but to all such Orders and Instructions as the Court of Directors have transmitted to the Governor and Council, or Select Committee of the said Presidency; and in an especial Manner to those which any ways relate to forming proper Statements of our Revenues, and to the keeping of our Treasury Accounts; and if any of our Orders remain unexecuted, you are to take Care that the same are to be carried into Execution, in every Instance wherein they have not been annulled by the before-mentioned Act of Parliament, or superseded by our present Orders and Instructions.

## A P P E N D I X, N<sup>o</sup> 13.

MINUTE of the Board, entered in the Consultations of 14 January 1782.

Extract Secret  
Consultations,  
24th Jan. 1782.

THE Board having already passed their Opinion, in Terms of the fullest Approbation, upon the Governor General's Conduct and Management in the Suppression of the Rebellion of Cheit Sing, and the Regulation of the Province and City of Benares; they think it unnecessary to repeat their Opinion of those Measures.

They cannot at the same Time but remark, that the Explanations which the Governor General has given in some Parts of his Proceedings, during his first Discussions with Cheit Sing, and subsequent to the Convulsion, are rather an open Avowal of the Motives that actuated his Mind, than the guarded Representations of a public Officer, stating to his Employers the Measures which an extraordinary Situation influenced, dictated, and justified.

To a liberal and candid Tribunal, such was the natural, and certainly the wisest Appeal. The Generosity and Justice of a British Tribunal looks more to the real Motives and Zeal of their Agent, than to the preconcerted Artifice of his Conduct, or the legal Discriminations of his Defence. Even where a public Measure is unsuccessful, the Responsibility required by the Agent, (if risked upon public Principles) is frequently his Justification, and in many Cases entitles him to Applause.

In these distant Dominions the ruling Servants of the State attend more to those Rules and Forms which protect from Responsibility, than to an ardent Pursuit of the public Interest; under every private Risk, the Hands of Administration may secure themselves against Condemnation, even though the Country should be lost through their Mismanagement.

It was not by avoiding personal Responsibility that the Servants of the Public established the British Influence in Asia; nor is it by such cold Precautions that our Power is to be maintained, especially at an Hour of general Hostility against us. The Board are led into these Observations, from an ingenuous Consideration of the Difficulties in which the Governor General found himself involved at Benares, and a Conviction of the Motives under which he acted. The first were surmounted with Ability and Fortitude: The latter they most sincerely believe do him real Honour.

Easy would be the Task to approve the Suppression of the Rebellion, and to stand disconnected with any Responsibility, by justifying those Acts which certainly precipitated the Storm from the Cloud in which he had gathered; Acts which Judges at a Distance, Judges unoppressed with the actual Embarrassments of this Government, may, with great Speciousness of Argument, condemn. But the Board wish not, they cannot permit themselves to proceed so disingenuously, or guardedly. They are at the same Time aware, that in a rigid Investigation of the Whole of this Business, the following Questions will be asked.

- 1st. Where were the Governor General's particular Instructions for such extraordinary Demands upon Cheit Sing?
- 2dly. Why was that Chief put in Arrest, when he offered to make every Concession?
- 3dly. Whether there was not a Compact between him and the Company, which specified, That he was only to pay them a certain annual Tribute?

Subsequent to the Massacre of our Troops, and the Events that followed, no Questions will be asked.

In answer to the first Question, the Board think the Governor General was fully authorized by the general Tenor of his Instructions. The Governor General having a deciding Vote, could have written out and approved more particular Instructions. There was a Delicacy in the Mode he preferred; and it imposed a greater Responsibility.

In regard to the Second Question; it is evident from Cheit Sing's Answers and Preparations, and the whole Tenor of his Conduct, before and at the Time, that nothing but Arrest could have convinced him of the Governor General's Determination.

That the Arrest was not intended to proceed farther than the Payment of a proper Fine to the Company, who stood in the Place of his Sovereign and Benefactors, is evinced by the Governor General's Answer to Cheit Sing, after his Confinement.

Had a total Revolution in the Administration of the Zemindarry been intended, the Arrest must have been effected with more Force, and greater Marks of Severity.

That the Officers who went to execute this Service, were convinced that no Measure of determined Severity was intended against Cheit Sing, appears from that unfortunate Want of Precaution, which cost them and their Followers their Lives.

The Third Question involves much Argument, yet is fully answered by that Part of the Governor General's Narrative, which discusses the Sunnud under which Cheit Sing ruled the Provinces, and which was so liberally granted by the Company.

The Correspondence with the India States, shews clearly their Ideas of the Rights of Zemindars and Rajahs protected in their Zemindaries by a superior Power. Had Cheit Sing been an Ally Sovereign Prince, who payed only a fixed Subsidy, his Military Preparations, and his insidious Conduct,

Conduct, under Pretences of Poverty, in disappointing the Expectations of the Government from the Army under Major Camac, justified, together with his Correspondence with our Enemies, the severest Exertion of Aid to assist the Company in their Distresses, and atone for his Ingratitude and Treachery to a Power who protected him, and to whom he owed his Situation.

On the Subject of the Treaty concluded on the 18th of September last, between the Governor General and the Nabob Vizier, and which the Difficulties of the Communication prevented the Governor General from explaining so fully before; the Board have to observe, that the Treaty is evidently a political Expedient, which forfeits no Advantage, which promises the Acquisition of many, and which, properly managed by this Government (as Events favourable, or even unfavourable, arise) may lead to the final and complete Arrangement of an Alliance with the Vizier. Such an Alliance, being less oppressive to him, may be more advantageous and honourable to the Company, and may remove that too general but dangerous Impression, which the different States of this Country have received from the double Character in which we have hitherto appeared in India—that of Allies and Conquerors.

If the Nabob Vizier should not be able, under the Support of the Troops of this Government stationed at Cawnpore, to maintain the Tranquillity of his Dominions, and collect those Resources which are necessary to defray even his reduced Expences, and discharge his heavy Debt to the Company, a new Arrangement must follow; and that Arrangement necessarily, at the express Request of the Vizier, will secure every Advantage that can be wished or expected from his Provinces by this Government.

The Reduction of that heavy Burthen of Expence, which was at once oppressive to the Vizier, and of no Return to the Company (though a Source of Patronage to this Administration) the Board approve of most heartily; and, with a full Sense of the Credit which a Measure of such Difficulty and Unpleasantness reflects upon the Governor General, they take this Occasion of pledging to him and to their Employers their utmost Support, not only in this, but in every other Branch of public economical Reformation, which he may propose.

Upon the Return of the Governor General, the Board resolve to discuss with him those Parts of the Treaty, which carry the Appearance of a hasty Agreement. The Disaffection of many of the Vizier's principal Jagheerdars; and the Steps which, from the Representations of Colonel Hannay and other Officers, appear to have been rapidly taken by the Begums, to support the Rebellion of Cheit Sing; were probably very early known to the Governor General, and through the Medium of all the Suspicions that his Situation, at the Time he met the Vizier, had naturally created.

At such a Moment, and under such Suspicions, and even while the Issue of the Contest of Cheit Sing was depending, it is not surprizing that some Parts of the Agreement between the Governor General and the Vizier were speedily adjusted, and, as the Governor acknowledges, in Conversation at their first Interview.

A short Time will satisfy the Board, whether the Vizier is willing or able to fulfil his Part of the Treaty: If he is that, and the Company can recover their Debt from him in the present Emergency and Distress of their Affairs, the Board cannot then but agree, that the Governor General has acted in the Arrangement not only with Zeal, and the best public Intentions, but with a masterly Decision, that must entitle him to the grateful and complete Approbation of his Employers.

It remains with the Board to concert with the Governor General, upon his Return, those Measures that may secure this Government from any future Inconveniencies or Distress, that can be supposed connected with the Confidence reposed in the Vizier, for the Administration of the Affairs of his Revenue and Military Establishments.

The Governor General delivers in the following Minute, in consequence of that of the Board, entered on the Proceedings of the 14th ultimo.

The Governor General acknowledges his Obligations to the Board, for this repeated Instance of the liberal Manner in which they have been pleased to record their Judgment on his Conduct. Had it been expressed in the simple Terms of official Approbation, he should have been pleased, and satisfied that it had received so respectable a Sanction; but by tracing the Sources of it, in the Motives which he has avowed; by their Examination of those Motives, with their relative Facts and Circumstances; and by the Doubts which they have anticipated and solved, on the Propriety of such Parts of his Conduct as might most obviously suggest them; they have justified their own Approval, and entitled him to expect the same favourable Sentiments in their common Superiors.

Nor is he less pleased with the Reserve with which the Board have declared their Satisfaction in the Arrangement concluded by him with the Nabob Vizier; because he thinks it will be received as an Evidence of the Deliberation and Sincerity of their former Approval. He is willing to submit the Propriety of the Measure to the Test of its Success. The Resident has already informed the Board, that he had received of the Treasures of the late Vizier, left in the Charge of his Widow, and lately reclaimed by his Son, the Amount of the Bond granted by the latter for the Balance of the Year 1178, which ends in September 1780 of our Æra; and was in the actual Receipt of as much as would discharge the Balance of the last Year, that is, of the Year 1179. The first of these Balances is 32,68,613. 11, the last 12,09,876. 9. 8. The Sum of both is, R<sup>44,78,490. 4. 8.</sup> Owd Siccas. The Resident seems to have understood this to be the Whole of the

Extract Sect.  
Dept. Conf.  
5 Feb'y. 1781.



## A P P E N D I X, N<sup>o</sup> 13, 14.

the Nabob's Debt. There is a further Balance of 26 Lacks, which appears to have been by some Means overlooked, or withheld from Mr. Middleton on the Transfer of his Office from Mr. Purling. A rectified Account, drawn to the latest Period, has been transmitted to Mr. Middleton by the Accountant General, which it is hoped will arrive in Time to prevent his stopping at the Receipt of the supposed Balance; and at all Events, the Profits of the resumed Jagheers ought to yield a Fund, more than sufficient both for the complete Liquidation of what may remain of the Nabob's present Debt, and to make up the Deficiency of the Assignments granted on his Revenue for the current Year, within the Course of it.

The Governor General expects this Service from the Resident, and relies upon his Fidelity for the Performance of it. But in the Supposition of the Possibility of a Disappointment, he again offers his personal Services to proceed to Lucknow, on the first Symptom of such a Failure; and, with the Confidence which he feels in his own Influence, aided by the powerful Support of the Board, he will venture to promise, that he will not return with their Object unaccomplished.

He hopes, and believes, that there will be no Necessity for this Extremity, but adds it as a Ground for the Assurance which he ventures to propose; and wishes the Board to give to the Honourable Court of Directors, in the Advices to them now under Dispatch, that there is the fairest Prospect, amounting as near to a Certainty as can be affirmed of an Event yet in Expectation, that the Debt due from the Nabob Vizier to the Company, and even that of the Rohilla Donation, will be compleatly paid off in the Course of the present Year, and a Supply added to our ordinary Resources, which will fully answer all our own Wants for that Period, and enable us to contribute still further, and we hope effectual Aids to those of the Carnatic.

The Governor General forbears to include the Presidency of Bombay in this Provision. Its Expences have already contributed more even than those of the Carnatic, to exhaust these Provinces of the Currency; nor will it be possible for them to support any longer so pernicious a Drain. At a certain Point it must have a Close. For this Distress we must seek a Remedy in a different Expedient, in the Conclusion of the War with the Maratta State, and the consequent and most necessary Reduction of the Armies now employed on that Service. In the mean Time, he trusts that they are not so devoid of Resources in themselves, as to make them totally dependant for the Subsistence on this Government, since they have a large and rich Territory, acquired by their late Conquests in Guzerat, in the Dependence of Surat, and, as we learn only from an allusive Passage in General Goddard's last Letters, even in Concan, of which we were not before apprised. These Districts, we are assured by the same Authority, were in a State of perfect Tranquillity, and undisturbed Collection of their Revenues; and in the same State they are likely to remain, since in the Prospect of a Peace, the Maratta Government will naturally look to the Restitution of their former Possessions, and would eventually be at least equal Sufferers with us, by any Devastations committed in them.

Such are the Expectations which the Governor General wishes to have presented to the Court of Directors, of the Course and Issue of the Resources of this Government for the present Year. He hopes that Credit will be given to them to that Degree, beyond which it would be presumptuous on any Grounds to hazard the Promise of contingent Events; that if those which he has predicted shall not come to pass, the Causes of their Failure shall be such as shall account for it, and acquit him of the Reproach of it.

Of the Consequences, as they may affect him personally, he is become indifferent; expecting the forced Censures of his avowed Enemies, and assured of the Applause of his Superiors, from the internal Conviction of his own Mind, that he has laboured to the utmost of his Ability to merit it.

(Signed) Warren Hastings.

True Copies.

J. P. Auriol,  
Sec<sup>ry</sup>.

## A P P E N D I X, N<sup>o</sup> 14.

EXTRACT of the Secret Letter from Bengal, dated 16 May 1775.

**W**E must not omit to mention, that the Nabob some Time ago paid in to Colonel Gailliez, a Second Tunka on Rajah Cheyt Sing, for Six Lacks of Rupees, on the Company's Account; against which the Rajah did not fail to remonstrate in the strongest Terms; alledging, that he had made great Advances already in the Payment of his Tribute; that if the Nabob continued to draw on him in this Manner, it would bring him under the greatest present Distress, and establish a Precedent

## A P P E N D I X, N° 14, 15.

a Precedent that would be injurious to him in future; and therefore, praying that we would not accept the Tunka, but return it to the Nabob.

As we saw the Force of these Objections on the Part of the Rajah, and considered him as under the particular Protection of the Company, we thought fit to order the Tunka to be returned; and consequently directed Mr. Bristow to remonstrate to the Nabob against such Proceedings. The Nabob at first received his Remonstrance with Warmth, and alledged, that the Rajah was his Zemindar, and that he had a Right to draw his Revenue from him as he pleased; but at last seemed to acquiesce in the Justice of Mr. Bristow's Representation, and said he would avoid giving any Uneasiness on that Account to the Rajah in future.

## A P P E N D I X, N° 15.

### Evidence of Major Fairfax.

**MAJOR** : : : Fairfax attending the Committee according to Order, was asked, How long he had served in India? said, He arrived there early in 1767, and quitted it in February 1782.—Being asked, In what Station he served? he said, He was a Major when he quitted India.—Being asked, In what Part of India he served? he said, Upon the Bengal Establishment.—Being asked, Where he was when the Governor General left Calcutta to proceed to Benares? he said, Under the Command of Colonel Muir, on the Borders of the Maratta Country.—Being asked, At what Time he arrived at Benares? he said, About the Beginning of November 1781.—Being asked, Whether the Governor General was there at that Time? he said, Yes.—Being asked, In what the Governor General was employed when he arrived there? he said, In settling the Country upon the hereditary Zemindar, and other Matters.—Being asked, Whether the Country was quiet at that Time? he said, Perfectly quiet in that District.—Being asked, Where Rajah Cheyt Sing was at that Time? he said, He was reported to be gone to the Bundelcund Country.—Being asked, What occasioned him to go to that Country? he said, He had committed a Massacre, and was afraid of being punished for it.—Being asked, What Proof was given of his having committed this Massacre? he said, The mangled Bodies of European Officers and Sepoys, and because he was in that House at the Time the Massacre was committed.—Being asked, How this came to his Knowledge? he said, From several Reports he heard from the Natives themselves, that the Massacre was committed in the Day-time, and he fled from thence that Night; these are the Reports he heard from the Natives and Resident at Benares.—Being asked, If he knows whether any Depositions, tending to prove the Massacre to have been committed by the Rajah or his Orders, have been sent to Europe? he said, He does not.—Being asked, If he knows the House where this Massacre is reported to have been committed? he said, He does; he was in it, and saw the Blood on the Walls.—Being asked, Whose House it was? he said, The Rajah's own House.—Being asked, What brought the English Troops into that House? he said, As a Guard over Rajah Cheyt Sing.—Being asked, For what Reason they were put as a Guard over Rajah Cheyt Sing? he said, From Motives of Policy.—Being asked, What Motives of Policy? he said, as a Security for his Person.—Being asked, Whether Sir Elijah Impey was at Benares at the Time he was there? he said, He was.—Being asked, How soon after the Massacre was the Arrival of Sir Elijah Impey? he said, He could not ascertain the precise Time; he believes Sir Elijah Impey was at Monghir or Patna at the Time of the Massacre.—Being asked, What Affair brought Sir Elijah Impey to Benares? he said, He was travelling about the Country for Change of Air, for the Benefit of his Health, during the Recess from his Employments.—Being asked, Whether Sir Elijah Impey proceeded any further up the Country than Benares? he said, He did, he went as far as Lucknow.—Being asked, Whether he accompanied Mr. Hastings? he said, No, he went upon a Party of Pleasure, and to see the Country.—Being asked, Whether the Rajah of Benares did admit, that he had given Orders for that Massacre? he said, He could not answer it.—Being asked, Whether he did not hear that the Rajah actually denied that the Troops had been killed by his Orders? he said, He did not.—Being asked, Whether the Rajah had not written to Mr. Hastings upon that Subject? he said, No; he heard he had written a Letter to Mr. Hastings, soliciting his Pardon, urging his vast Wealth, and great Force, and the Fidelity and Attachment of his People.—Being asked, What Answer Mr. Hastings made to that Letter? he said, He does not know that he made any Answer, or what that Answer was, if he did.—Being asked, Whether he knows if Mr. Hastings offered any Terms of Peace to the Rajah of Benares? he said, He does not.—Being asked, Whether the Rajah was summoned, and offered a safe Conduct, to abide the Consequence of a Trial, or other legal Inquiry into the alledged Massacre? he said, He does not know; but he knows, that when he was soliciting his Pardon, he was meditating an Assault against the Fort of Chunar Ghur, where Mr. Hastings then was, and had prepared Ladders for that Purpose.—Being asked, Whether any Reason was assigned by the Rajah of Benares,



nares, or those attached to him, for this their Hostility and Revolt? he said, He never heard any.—Being asked, What fortified Places belonging to the Rajah, were taken by the Troops of the Company? he said, Luttifpore, Pateeta, and Bidgeghur.—Being asked, Whether any Treasures, or other valuable Effects, were found in any of those Forts? he said, He heard there was a great Treasure found in Bidgeghur, and that the Rajah carried off as much as he could with him.—Being asked, What became of the Treasure found in Bidgeghur? he said, It was in the Possession of the English Officers of the Army who took the Place; and Mr. Hastings was endeavouring to get it from them, in order to place it in the Company's Treasury.—Being asked, What Success Mr. Hastings had in his Endeavours? he said, It was not settled when he left India.—Being asked, Whether he heard that Mr. Hastings had Success in getting that Money for the Company? he said, He did not.—Being asked, Whether it was thought that he would? he said, It was thought, that if the Officers could retain it, they would not part with it.—Being asked, Whether the Place was delivered up or stormed? he said, It was surrendered.—Being asked, Whether there were any Terms? he said, He does not know particularly the Terms.—Being asked, What Garrison was in the Place? he said, About Five or Six hundred Men, he does not exactly know the Number.—Being asked, Where Mr. Hastings was at that Time? he said, At Chunar Ghur, about Forty or Fifty Miles Distance.—Being asked, Whether there was any Person in the Camp authorized on the Part of the Government to claim this Treasure for the Company? he said, Not supposing there was any Treasure, he believes there was not any Person on the Behalf of the Company; it had been reported the Rajah had carried off the Treasure with him.—Being asked, What Measures did he hear that the Commanding Officer there took, to prevent this Division of the Treasure? he said, He did not hear of any.—Being asked, If he knows whether the Commanding Officer of the Detachment had any Share of this Treasure? he said, He does not know; but he has heard that he had.—Being asked, Whether Mr. Hastings remonstrated against this Proceeding? he said, Yes, he did.—Being asked, Whether he heard, how he, Mr. Hastings, came not to have Authority enough over the Troops, to oblige them to forego this Treasure, which he claimed on the Part of the Company? he said, He never heard his Authority doubted; but perhaps he did not think it political to use coercive Measures, at that Time, to make them refund it.—Being asked, Whether the Officers assigned any Reason for refusing to obey his Requisition? he said, He heard it was because the Rohilla Prize-Money had never been paid; and which they thought themselves intitled to.—Being asked, Whether this was the sole Reason? he said, it was.—Being asked, Whether he did not hear it alledged, that a Promise was claimed by the Officers from Mr. Hastings, that the Prize-Money in the Rohilla War, when taken, should be the Property of the Captors? he said, He never heard of a Promise previous to the Capture; but he has heard that Mr. Hastings, after the Prize Money was divided, promised that if they would deliver it up, Government would distribute it in the Manner they should think most proper.—Being asked, Whether Mr. Hastings informed him, before he left that Country, why he did not send to the Court of Directors any Account whatsoever of this important Transaction? he said, No.—Being asked, If he knows whether there was any Ravages or Wastes committed in the Province of Benares, during the Suppression of that Rebellion? he said, There was a small Village, inhabited by a Nest of People near Illahabad, who had committed several Murders and Robberies, which was burnt, but the People had all deserted it.—Being asked, Whether Mr. Hastings believed that the Rajah of Benares intended Hostilities before he left Calcutta? he said, He believed that the Rajah of Benares wanted a favourable Opportunity to throw off his Dependence on the Company.—Being asked, What Proofs he had for this Belief? he said, The Number of Forces that the Rajah entertained.—Being asked, What was the Rajah's ordinary Establishment? he said, About 5,000 Horse, and about as many or Half as many Foot?—Being asked, When he made the Augmentation to his Army? he said, At different Times.—Being asked, Whether it was long previous to Mr. Hastings's going there, or not? he said, About Two or Three Years, or perhaps more.—Being asked, Whether the Augmentation was of Horse or Foot, or both? he said, Of both; these Augmentations he kept concealed in private Parts of his District, remote from our Settlements; and some were disciplined in the European Manner.—Being asked, By whom they were so disciplined? he said, by Sepoys of ours, who had been dismissed or had deserted the Service.—Being asked, Whether any of those were taken and punished for it? he said, They could not be taken.—Being asked, Whether there were not Prisoners taken in this War? he said, If they were, they were let go to their respective Farms; he begs Leave to observe, they fought well, like Men disciplined.—Being asked, What Force Mr. Hastings brought with him to the City of Benares? he said, Nothing but a common Guard.—Being asked, What Reason did Mr. Hastings assign for coming into Benares, and seizing the Person of the Rajah with so small a Force, when he suspected him of such ill Designs, and that he had a strong disciplined Force to assist him in those Designs? he said, The Governor General had frequent Conferences with the Rajah before he put him under Arrest, and his Answers were evasive to the Purpose of his Destination, which was to make him contribute to the Expences of the State.—Being asked, Whether an English Resident did not always reside at Benares? he said, Yes, ever since the Transfer of the Sovereignty of that Country to us.—Being asked, Whether the Resident communicated to Mr. Hastings these Designs of the Rajah, and the Preparations he was making for War? he said, Yes.—Being asked, Whether those Letters were ever laid before the Board? he said, That he is not acquainted with.—Being asked, Where those Letters are, by which that Matter

## A P P E N D I X, N<sup>o</sup> 15.

was communicated to Mr. Hastings? he said, He is uncertain whether they were private Letters to Mr. Hastings, or public to the Board.—Being asked, If he knows whether the Original, or any Copies of those Letters, were sent by him to the Court of Directors? he said, No.—Being asked, Of what Size the City of Benares is? he said, a very large City, about Three Miles along the Banks of the River.—Being asked, Whether it is a Place of reputed Sanctity in that Country? he said, Yes; and in all the Wars the Place has never been rifled or despoiled: It is chiefly inhabited by Hindoos.—Being asked, Whether that City has ever been under the Government of a Mahomedan Magistrate? he said, Not that he knows of.—Being asked, Whether the Inhabitants are not remarkably attached to their Customs and Laws? he said, Yes, which Mr. Hastings has been rigidly attentive to, during the Whole of his Administration.—Being asked, If he knows a Person called Ali Ibrahim Khan? he said, He does not know him.—And being asked, Whether he did not hear that he was appointed Daroga, or Chief Magistrate of criminal Causes, in the City of Benares? he said, No.





T H I R D  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXII.



---

---

T H I R D  
R E P O R T  
FROM THE  
SELECT COMMITTEE, &c.

---

The Select Committee appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

**I**N their further Inquiry concerning the Matters given them in Charge by the House, have considered the Disobedience of the Servants of the East India Company to the Orders of the Court of Directors, as a principal Object.

In order to discover the Cause of a Disobedience which threatens immediate Ruin to the Authority and Interests of this Kingdom in India, they thought it their Duty to examine into the Principles and Policy (if any regular Principle or Plan of Policy should appear) upon which the Court of Directors has conducted itself in the Government of those Servants.

Your Committee were particularly attentive to the Manner in which they promote Persons, in the Line of their Service from lower to higher, or to the highest Situation: Because their Proceeding in that Respect not only operates for Good or Evil in the particular Instance, but must, by the Example, materially influence the Behaviour of all those who act under the Directors, through all the Gradations of Office, and all the Successions to Rank and Power.

Your Committee was so forcibly struck with the late Nomination of Mr. John Macpherson to the Supreme Council of Bengal, and with the Consequences which might attend the Appointment to so important a Trust at this Time, of a Person, who appears on the Records of the Company to be concerned in very unjustifiable Negotiations, that they have thought it absolutely necessary to make a separate Report on that Case before the sailing of the Ships to India; they therefore directed the East India Company to lay before them the Proceedings of the Council of Fort St. George, of the 22d and 23d of January 1776 (Appendix, N° 1.); and also an Extract of Fort St. George Military Consultations, of the 5th of February 1776 (Appendix, N° 2.); together with a Case and Opinion of Mr. Charles Sayer, Counsel to the East India Company, dated the 11th of February 1777 (Appendix, N° 3.); and also a Paper, purporting to be the Copy of an Opinion of Alexander Wedderburne, Esquire, upon the same Subject, dated the 7th of March 1777 (Appendix, N° 4.)



Your Committee, on perusing the Consultations at Madras, of the 22d and 23d of January 1776, find, that Lord Pigot, the then President, acquainted the Board, that a Paper, unthought for and unsolicited, had been put into his Hands: That no Signature was affixed to it; but that it contained Matter of so dangerous a Tendency to the Interests of the Company, that he thought it expedient to be laid before them.

This Paper purported to be a Memorial to the Nabob of Arcot, recapitulating various Services rendered to him in London. It appeared without any Signature; but was imputed to Mr. Macpherson. The Proceedings at large had upon that Subject, together with the Memorial, are annexed. Mr. Macpherson was called upon by the Board, and asked, Whether he was the Author of the Memorial then read to him? he said, "He could not give a *precise Answer*; that it was not written in his *Hand*, nor signed by him; and that it referred to Transactions before he was in the Company's Service."

This Answer was considered by Lord Pigot, not only as evasive and unsatisfactory, but as amounting to a clear Proof that Mr. Macpherson was the Author of the Paper. He was of Opinion that Mr. Macpherson's Plea, of his not being in the Service at the Time of the Transactions alluded to, was an Aggravation instead of an Extenuation of his Offence, "since he presumed to apply to be appointed into the Service of that Community which he was endeavouring to destroy;" and that the presenting the Memorial at that Time proved, that "he still held Principles unfaithful to the Company, and ruinous to its Interests." The President therefore moved, that he should be dismissed the Service.

The Resolution so moved was carried in the Affirmative by a Majority of Nine to Two only, who dissented. Four of the Council, in Addition to the Reasons assigned by the President, gave in a Minute, in which they assert that Mr. Macpherson was a Man "of such an intriguing Disposition as to render him unfit to be employed as a Servant of the Company;" that "they believe Mr. Macpherson to have been concerned in the *Intrigues* which the greater Part of the Board must be sensible *had lately been carried on at the Nabob's Durbar, to the Detriment of the Company's Service, and which may have impeded the Execution of their late Orders.*"

The Dissent to this Resolution, on the Ground of its not being conformable to the Company's Instructions, which in Case of Removals required a regular written Charge and Hearing, together with the Reasons given by those who concurred in the Dismissal, either for not thinking the Order strictly applicable to that Case (if in that Case applicable) that it ought to be dispensed with, appear in the Proceedings annexed to this Report.

Your Committee observe, that Mr. Macpherson, when questioned at Madras for the Memorial, though he denied it to be written in his Hand, did not deny it to contain his own Account of his own Transactions, presented to his Principal the Nabob of Arcot, as a Plea of Merit and Title to Reward. Neither in his subsequent Letter to the President and Council, nor in any of his Applications to the Court of Directors, does he make the least Complaint that an Injury had been done to his Character, by imputing to him a Paper which he had not written. He neither denies that Paper, nor the Facts related in the Paper; nor enters into any Explanation whatsoever on the Subject, either of the one or the other.

The Court of Directors, on their Part, seemed much less solicitous about the Effect which the Example of restoring Mr. Macpherson must have on the Discipline of their Service, than about the Means of getting clear of the Law made expressly to enforce that Discipline. They laid the Case, with the Documents, before their Standing Counsel, the late Mr. Sayer; and the Point (the only Point) on which they require his Opinion, is, whether "if they should see *proper* to restore Mr. Macpherson, it *could* be done without the Consent of Three-fourths of the Directors and Three-fourths of the Proprietors, in the Mode prescribed by the Act of Parliament."

Mr. Sayer, in his Opinion delivered on the 1st of March 1777, although he appears to consider the Dismissal as informal, is clearly satisfied that Mr. Macpherson *cannot* be restored under the Act but on the Conditions therein prescribed, namely, the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors; and further submits to the Consideration of the Court of Directors, whether he [Macpherson] *was a proper Person to be continued in the Company's Service*; "that, in his Opinion, he had too much Connection with the Nabob of Arcot; and when the Company's Interest and the Nabob's were at Variance, *as they would often happen, they will greatly disturb a Man of Honour and Integrity.*"

This Opinion of their own Standing Counsel seems to have been by no Means satisfactory to those in the Direction, who wished to evade the Rule laid down in the Act of Parliament. They appear so solicitous by all Means to keep clear of that kind of Decision, that they exerted themselves to find out other Authorities to set up against their ordinary Advisers in Matters of Law; for which Purpose, the then Chairman produced to the Court of Directors, on the 2d of the July following, a Paper, purporting to be the Copy of an Opinion of Mr. Wedderburne, then Solicitor General; in which he declares Mr. Macpherson still in the Company's Service, looking upon the Dismissal as *null and void*; "that the Governor and Council of Madras have exceeded their Authority in proceeding against Mr. Macpherson without a Charge in Writing delivered to him, and Time given to make his Defence to it; and that Mr. Macpherson's Case only requires a Signification of the Displeasure of the Directors at so plain a Breach of the Company's Orders and Directions, to restore to him the Emoluments of his Station, of which he may have been deprived by the irregular Attempt to dismiss him."

It is remarkable, that this Opinion of Mr. Wedderburne was not given upon any Reference made by Order of the Court of Directors; nor was it expressed by the Chairman, Sir George Wombwell; who delivered it, at whose Request it was taken; nor was it so much as *accompanied with the Case on which it was given*. In those Circumstances it ought to have passed (whatever might have been the Authority of the learned Person in whose Name it appeared) as no regular Opinion at all.

The Directors who managed this Business, paying no Attention to the Opinion which had been regularly obtained (though they had called it in to direct their Judgment) thought proper upon the same Day on which the Paper signed by Mr. Wedderburne was produced, to order Mr. Macpherson to be restored to his Rank and Station in the Service, without recurring to the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors, and indeed without giving any Notice at all to the Proprietors; who having, in Cases of Dismissal, a Right reserved to them by the Act of Parliament, ought to have had an Opportunity of asserting that Right; and of bringing it to Trial, if in their Judgment the Case should come within the Statute.

In consequence of the above Resolution, Two Days after, that is, on the 4th of July, they wrote to the Presidency of Madras as follows; "That having taken the Opinions of Counsel upon the Dismissal of Mr. J. Macpherson (a Factor upon the Establishment) and *they agreeing* that the same *was done informally, and of course is void*, we direct that he remains in the Company's Service, with his proper Standing; but as his Behaviour was *disrespectful* to your Board, and in other Particulars *very reprehensible*, we direct that you give him a severe Reprimand, and acquaint him that a like Conduct will meet with a severer Punishment."

The Fallacy of this Statement of the Opinions of Counsel, made in this Letter, could not escape the Notice and Reprehension of Your Committee. The Directors have stated that "the Counsel had *agreed* the Dismissal *was informal, and of course is void*."

The Writers of this Letter have thought fit wholly to misrepresent the Case; the Agreement of Counsel having extended solely to the Informality of the Dismissal; and not at all to the Idea of its being of *course void*. On this Point their Opinions were so far from being agreed, that they were totally the Reverse of each other; one indeed considering the Dismissal as null; but the other held, that though informal it was yet valid, and so far of Effect as; to require for Mr. Macpherson's Restoration, that very Course which the Directors were so solicitous, by taking a new Opinion, to avoid.

Of the Charge itself, for which this Dismissal (formal or informal) was inflicted as a Punishment; the Directors find Mr. Macpherson *guilty*; for, besides the disrespectful Behaviour to his Superiors, with which they load him, they declare his Conduct "*very reprehensible in other Particulars*." But as nothing else was charged upon him in that Transaction; except those *Particulars* for which he was *dismissed*, those Particulars, with the aggravating Epithet of *very*, they find reprehensible; and they order him a severe Reprimand, with a Menace of a still severer Punishment in case those reprehensible Practices should be renewed.

But least Mr. Macpherson should be crushed by the Severity of this Reprimand, or too much alarmed with the Harshness of it, or might be in Danger of *incurring* their future Resentment, and the severer Punishment threatened, they permit him to remain in England without once calling upon him to perform the Duties of the Station to which they were so very anxious to restore him, and without giving a Colour to his future Advancement; by affording him any Means of effacing the Demerit of his past Conduct by better Behaviour. He therefore continued in England until the Month of January 1781, when they thought proper all at once to raise him from the low Station in the Company's Service which he held with so little Attention to its Duties, and with such acknowledged Circumstances of Misconduct, to the high Office of Counsellor in the Council General of Bengal.

His Conduct on this Occasion came a Third Time before the Court of Directors. His Memorial to the Nabob of Arcot was again considered; and notwithstanding the Dissent of some of the Directors, and the Protest of One of them (on the Ground of the absolute Illegality of his Restoration to the Service) Mr. Macpherson's Appointment, without any new Reference on the Matter of Law to Mr. Rous, the Company's then Counsel, was presented to His Majesty's Ministers, who obtained the Royal Approbation to that extraordinary Measure.

Your Committee must here remark, that the Court of Directors on the 28th of November 1780, came to the Resolution of inquiring into the Conduct of the Company's Servants in Bengal, previous to the 14th of December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency, and which Resolution was confirmed by a subsequent Court of the 15th of December following; on that Day it was also resolved to proceed to appoint a Member of the Council General of Bengal, on the 3d of January ensuing. On which Day a Motion was made to postpone the Consideration of the Appointment of a Member of the Council General in Bengal; until the Conduct of the Servants in that Presidency had been fully investigated; which passed in the Negative: Mr. George Vanfittart and Mr. Philip Milner Dacres, who were Candidates for the Vacancy of a Counsellor in the Supreme Council, were then proposed, and rejected, and Mr. John Macpherson was nominated to that Office.

Your Committee having made such frequent Reference to the Practices described in Mr. Macpherson's Memorial, thought it proper to examine into the Conduct described in it, which, if it did not recommend, at least was not supposed to disqualify him for an Employment of the greatest Trust in the Affairs of the East India Company, in order to discover what the true Nature and Tendency of that Conduct was.

It appears that Mr. Macpherson went to Madras in the Year 1766, Purser of an India Ship, commanded by Captain Macleod; and having found Means of Introduction to the Nabob of Arcot, he so far ingratiated himself with that Prince, as to be sent "on a *secret* Commission to His Majesty's First Minister of State, in the Year 1767, in order to free him from various Oppressions under which he was labouring." He arrived (to use his own Expression) "at the Court of Britain," towards the End of 1768. There he employed himself for a considerable Time in a Multitude of dark and mysterious Intrigues; the Spirit of which appears sufficiently in his Memorial, though all the Particulars cannot be specified, as he frequently refers to other Memorials, and to other Papers of various Sorts, which have not hitherto been brought to light.

It is however manifest, that the whole Tenor of his Negotiations were adverse and hostile to the Company; and in many Respects highly dangerous and disgraceful to the Government of this Kingdom. It appears from his Paper, that he took Advantage of the Disputes between the Company and Government, to promote the Interest of his Employer; and that the Tendency of his Writings was to shew, that the Support of him (the Nabob of Arcot) by the Crown, in the Rights of his Guaranteement, was the best *Restraint* upon the Usurpations of the Servants of a certain Company; and in his general Style of Complaint of the Situation of the Princes in India, he states it to arise from the *usurped Authority of the commercial Subjects of the State*.

It is not easy to comprehend the Nature of that usurped Authority by British Subjects on the Rights of the Crown, which could make the Support of the Rights of a Foreign Power the best or any proper Restraint on those Subjects. The Disputes between Government and the East India Company at that Time, turned on the Territorial Acquisitions of the latter in India; and Foreign Interposition in such a Dispute, was neither necessary nor proper to the full Assertion of any Rights in the Crown, which has abundant Means of its own to restrain the usurped Authority (if such should be found to exist) of British Subjects of all Descriptions. But your Committee are of Opinion, that an Attempt on the Part of a British Subject to intrude the Claims of a Foreign Power, in Aid of any Authority within this Kingdom, or to make such a Power a Party in domestic Disputes, was a Measure full of Rashness and Presumption. Mr. Devaynes and Mr. Sullivan, the Chairman and Deputy Chairman, who must have seen the East India Company treated in such a Manner, and distinguished by such Epithets by Mr. Macpherson, were bound to make strict Enquiry into his Practices against an Authority which they at least ought to respect, and as far as it was legal, to assert and enforce. He had referred for the full Explanation of those Practices to a certain Memorial N<sup>o</sup> 2. which they might have called on him to produce. But it does not appear that they made that or any other Enquiry into the Grounds of Fitness for Trust, for which they informed your Committee they thought him the fittest Person.

If the Nabob of Arcot had been in any Particular injured or oppressed, it would have become his Agent, with Decency and Candour to lay the Matter of Grievance, distinctly and specifically stated, before the Court of Directors, and with the same Simplicity and Openness to have proceeded with His Majesty's Ministers. But it does not appear that at that Period of Time any particular Grievances were at all laid before the Company; and in his Applications to the Ministers, he continually talks of Secrecy, Reserve, and Caution. His Commission was wholly concealed from several Persons with whom he treated, and it only came out Piece-meal and by Degrees to the Principal. The whole of the Subject Matter of his Negotiations is couched in Terms so ambiguous and obscure, that little can be discovered concerning the Nature of those Grievances, of which he pretends to have sought Redress.

Your Committee, who are of Opinion that the Grievances of the Native Powers and People in India are a principal Object of Parliament in the Enquiry committed to them, have endeavoured to find out the Nature of those Grievances, real or pretended.

The only Grievance which appears in any Thing like a specific Form, is the Enforcement of the Debt due to the Company. On examining into this Debt, they find it to be for Expences incurred by the Company in Support of his Employer, and for his Establishment in the Place he holds in the Government of the Carnatic, the Justice of which he had, by the strongest Expressions, frequently and fully acknowledged.

It is true, that Mr. Macpherson appears in general Terms to have complained to the Minister, "that the Nabob had been treated by the Company's Servants with Indignity and even with Tyranny." This Matter however he never appears in any Sort to have explained, though it was highly necessary to be as explicit as possible on the Subject, if the Grievance had been real. General Complaints are little attended to; because Sufferings as they are strongly felt are easily particularized, and Guilt can only be proved, or Redress obtained, on special Matter. It was the more necessary to be clear on that Subject, as the Nabob had very recently given a direct contrary Information to the Court of Directors (on their having expressed some Suspicion of the Misconduct of their Servants towards him.) In a Letter without Date, but received in London in November 1766, he says "that his Government was firmly settled under their (the Company's) Favour and Protection, and that he was free from all Manner of Apprehensions. On the 12th of December 1766, to Governor Palk, he goes much further, "that he is so far from having any Cause of Complaint against the Company's Servants, or Officers, that he has always found them ready to sacrifice even their Lives for his Service, and that he must, in Justice to the Characters of both Company's Servants and Officers, entirely clear them, or any of them, from ever having extorted Money from him, either by exorbitant Interest or otherwise:"—"They have (says he) on the con-

trary,

"trary, learnt to esteem the Company's Affairs and mine as one and the same; they have never offered me any Oppression of any Kind."—On the 14th of July 1767, he writes, "That he had resided at Madras for a *Twelvemonth past with the greatest Pleasure and Satisfaction*; that it would be the highest Ingratitude in him not to mention how kind and favourable their Governor and Council had been to him, in putting their (the Company's) Order into Execution."

The whole Letter is full of Acknowledgments of the substantial Favours he had received from the Company and their Servants, and declaratory of the highest Confidence in both. So late as the Month of November 1767 (the very Year when Mr. Macpherson represents himself as appointed to the secret Commission on which he made his Complaint) so far from complaining of that "In-dignity and even Tyranny," which Mr. Macpherson represents him as suffering from the Company's Servants, he informs the Directors, "that the Governor and Council are ever contriving Means of honouring him in the Eyes of his People." In other Parts of the same Letter, he states strongly his Obligations to the Company and their Government, for many Favours done to him and his Family.

No Complaints of the Kind appeared before the Court of Directors until about Two Years after Mr. Macpherson's first secret Commission, which he states to have been in 1767, though he did not arrive in London till 1768. Those Complaints were even then loose and general, and the apparent Consequences of the Failure of some of his ambitious Projects; the Blame of which Failure the Nabob and the Company's Servants mutually threw upon each other, and for the engaging in which, the Company has justly censured both: The Objects therefore of Mr. Macpherson's Mission, must have been of another Nature, being prior to this Quarrel. If any subsequent Matter of Complaint had come to his Knowledge, the Time and Occasion ought to have been stated when this Change in the Behaviour of the Company's Servants had happened, in what Instances it had happened, and who were the Persons in fault, in order that the Company and the King's Ministers might be able to form a clear Judgment on the Merits of the Case; for nothing could be more irregular and blameable on the Part of the Nabob, than to see the Company's Records full of his Commendations of their Servants, and Acknowledgments of the Justice of his Debt to them, both under his own Signature, whilst he maintained an Agent here, complaining to His Majesty's Ministers of the Tyranny of those Servants, as well as of the Injustice of the Company's own Demand.

The Memorial itself, amidst all its studied Reserves and mysterious Hints, when compared with the Company's Records, affords some Insight into the Nature of Mr. Macpherson's Embassy, and into the Nature of the pretended Suffering. The Superiority of this Nation, and his Dependence on it, was become a Grievance to the Nabob of Arcot. So early as his settling the Terms of Peace with Monsieur Law, he appears to have acted with a View to this Independency. In his Letter to the Court of Directors, the 4th of November 1767, he informs them, that he had proposed (to Monsieur Law) "in case of a new War breaking out between the French and English, it must not be brought into this Country; to which he (Monsieur Law) assented." So far as the Nabob and the French were concerned, according to his Account, the Matter appears to have been concluded. The Nabob afterwards attempted to draw the British Government into an Agreement for this Neutrality. He applied to Governor Palk, who very properly declared he had no Power to agree to it, without Orders from Europe. The Nabob, on this Refusal, very warmly pressed the Object which he had previously proposed and settled with Monsieur Law to the Court of Directors, on Pretence of preserving the Peace of that Country, which he and his English Advisers had before and afterwards so wantonly exposed to War and Devastation, for Purposes in which this Nation had no Concern. Had he succeeded in establishing this Plan of Neutrality, the Power of France would at this Day have been truly formidable in India, if not absolutely superior, as Pondicherry must have remained in perfect Security as a Place of Arms in the Center of the Carnatic, from whence Force might have been detached to every other Part of India.

To strengthen this dangerous Pretence to Independency (upon the Supposition of which the Nabob of Arcot, without any previous Consultation with the Presidency, undertook to negotiate a Neutrality with France) various Contrivances appear to have been set on foot.

Mr. Macpherson represents himself as the first Inventor, or at least the first public Propagator, of a Construction of an Article of the Treaty of Paris, in Favour of the Nabob of Arcot. By that Construction (which, about the Time alluded to by Mr. Macpherson, appeared in various Publications) the Nabob would be rendered wholly independent of this Nation; and France would obtain a Title to interfere in all Transactions between him and the East India Company, as a Guarantee of that Independence. It was therefore highly reprehensible in Mr. Macpherson, and perfectly contrary to his Duty as a British Subject, to invent and propagate in Europe, and instill into the Mind of his Employer in India, a mischievous and groundless Fiction, by which an Officer of the Mogul, wholly upheld in his Authority by the Strength of this Nation, operating through the Company, was to be raised to a Rank equal with the Sovereign Powers in Europe, and to be considered as a Member of their general System.

By Means of such flattering Delusions, the Ambition of the Nabob Mahomed Ali had been, before this Invention as well as ever since, stimulated to desperate Designs and Enterprizes, which have disturbed the Peace of India, shaken the lawful Government of the Company at Madras, wasted his own Revenues, and at length brought the Power of Great Britain in that Part of the World to the Verge of Ruin.



Among the principal of these Enterprizes is to be reckoned the Attempt of the Nabob to usurp the Seat of his original Superior, the Soubah of the Decan. Mr. Macpherson, in his Memorial, claims the Merit of putting into the Hands of Persons of Distinction in England, Publications made for the Purpose of countenancing a Project wholly derogatory to the Honour and good Faith of the British Nation, and the direct Tendency of which was to plunge all India into Blood and Confusion.

By the Fourth Paragraph of the Memorial, some Light is thrown upon the Part Mr. Macpherson acted in another Design of the Nabob; which, as well as the former, had been discountenanced by the Court of Directors, and was in its Tendency equally dishonourable, and nearly as dangerous. It is the unnatural Design, which appears to Your Committee to have been formed by the Nabob, to disinherit his eldest Son, a Person of a gentle and humane Temper, of undoubted Attachment to the Interest of Great Britain, and of Abilities to do Credit to the Situation to which he is entitled. This Design was formed in direct Violation of the Grant (real or pretended) by which the Nabob is at all entitled to any Succession in his Family, and in which the Succession is specifically settled upon his eldest Son, as will appear by the Firmaund in the Appendix, N<sup>o</sup> 5.

The Court of Directors have been since then apprized of the Scheme, by the Presidency of Madras, who attended their Information with judicious and apposite Reflections upon a Matter of so arduous and alarming a Nature.

Mr. Macpherson, in order to prevent the Company from acting as their Honour and Interest demanded on this Occasion, attempted to make even Parliament itself an Instrument in this shameful Proceeding, by proposing to Persons in Office, "to bring about an Act of Parliament, limiting the Power of the Company's Servants, and making it a Crime in them against the State, to interfere with the Government and Succession of the Indian Princes in Treaty with the Company; and that he endeavoured to make *this Act particularly relative to the Nabob and his Posterity*;" that is, Mr. Macpherson proposed to prevent the Interference in the Nabob's Succession, of those very Persons by whose Credit and Power the Grant to that Succession had been attained.

The same Memorial acquaints the Nabob, that the then Secretary to the Treasury had accepted a Proposal for that Purpose, to be laid before Lord North and Mr. Dyson; a Copy of which Proposal, he says, is in the Hands of the Nabob, "by which the Nabob will see, that I (meaning he, Macpherson) stipulated to be at the Expence of the Act, *et cetera*, out of my own Pocket."

Your Committee observe, that Mr. Macpherson has taken Advantage of the Ignorance of his Employer in Parliamentary Proceedings, to state himself as offering to be at the Expence of an Act of Parliament, when in Reality no justifiable Expence can be incurred for a Public Act, such as that which he proposed must have been, if it had been at all. But the stipulating to be at the Expence of this Act, with the significant *et ceteras*, out of his own Pocket, which in England would be ill calculated to deceive, was perfectly consonant to the Ideas generally entertained in India, and which have not been thoroughly effaced by a Communication with Europeans, of what is called *Durbar Charges*, which signifies Presents ordinarily made, in order to obtain Objects solicited from Persons in Power and Authority.

That the Nabob had probably seen nothing in his Intercourse with Europeans which might convince him that Mr. Macpherson could never have in Reality stipulated to be at such Expence, *et cetera*, out of his own Pocket, appears by a very remarkable Incident in these Negotiations, to which your Committee with particularly to call the Attention of the House.

At the First Interview of this Minister of the Nabob with one of His Majesty's Ministers (the Duke of Grafton) he offered to bestow on him certain Presents (which he calls Credential Presents) on the Part of the Nabob. These Presents the Duke of Grafton refused to receive. On his Refusal, Mr. Macpherson conceived, that though they might not suit the Minister, they might with Propriety, and possibly with some Effect, be received by a Subordinate in Office: Seeing therefore the Presents he rejected, he "took them up, and offered them, in the Name of the Nabob, to his Grace's Secretary, Mr. Bradshaw." Mr. Bradshaw is represented as making a short Speech, which ended on his Part by declaring, that Mr. Macpherson "would forfeit his Esteem if he insisted on his disgracing the Example of the Duke of Grafton."

Mr. Macpherson states himself as thrown into the greatest Perplexity and Distress by this Refusal of the First Commissioner of the Treasury and his Secretary to receive his Presents. His Reasons are remarkable, as they indicate the Notions his Employer, the Nabob, entertained concerning the Principles and Motives upon which this Business was transacted in England. Mr. Macpherson's own Words are most perfectly expressive of his Sentiments and Feelings in an Emergency so critical to all his Reputation for Address and Dexterity: "I cannot describe what I felt on this Occasion. Upon reflecting, I thought it would be difficult to persuade my Employer that Men, who would not receive his Presents, had any serious Intentions to serve him. I likewise apprehended, that being without any Proof of having insisted upon their being received, my Want of Persuasion would be found Fault with."

The Presents which Mr. Macpherson was directed to offer to one of His Majesty's Ministers, were only preliminary to further Offers of a far more extensive Nature, which Your Committee find it necessary to state to the House, to demonstrate the unexampled Boldness, Vastness, and Extravagance of the corrupt Projects formed by the Advisers and Instruments of the Nabob of Arcot, in order to render

all Branches of the Government of this Kingdom dependent on them, and subservient to their Views.

As soon as Mr. Macpherson had prepared his Ground at the Treasury, he thought it proper to open what he calls "his first and grand Injunction:" This consisted in an Alternative of Two Offers, the First of which was a Proposal of lending to the Public a Sum of 70 Lacks of Rupees, or about 700,000 Pounds Sterling, at so low an Interest as Two per Cent.

This Proposal was covered with a Pretext of providing a sure and settled Maintenance for the Nabob's youngest Children. There seems to be no Reason for preventing the Nabob from openly purchasing and securing to that, or to any Amount, at the current Price, and with the common Advantage (which was then much more than Two per Cent.) in any of the British Funds, nor any Occasion for Secrecy in the Transaction, if no other Design was entertained than that which was expressed.

But there was, indeed, abundant Reason for making his other Part of the Alternative, which Mr. Macpherson calls "his confidential Proposal," a very profound Secret; for the Tenor of this Offer was, that in case the foregoing Proposal "should not be agreeable, the Nabob would lend the *same*, or "a greater Capital to the Treasury, as a Pledge of his Fidelity towards, and Trust in the British State."

In what Manner this Loan to the Treasury was to be made; how it was to be secured, and above all, what Objects it was to be applied to, and what Purposes it was intended to answer, these Matters are not at all explained in the Memorial; like many other Parts of the Transaction, they are wrapped up in an obscure and alarming Mystery.—A Loan of that astonishing Magnitude to the Treasury of Great Britain, by a Foreign Potentate, is a Matter of very serious Consideration.

The Court of Directors, when a Memorial of this extraordinary Nature came no less than Three Times before them, could not avoid observing, that the Nabob of Arcot, at the Time of his offering such a large Loan as £. 700,000 to the Public, and even a larger *confidentially* to the Treasury, was making every Kind of Delay and Difficulty in the Payment of what he owed to the Company; that he constantly represented himself as overwhelmed with Debt to Individuals, and that these Debts had been contracted at so high a Rate as Twenty, Twenty-four, and even Thirty-six per Cent. Interest, and that he still continued to borrow at exorbitant Usury. He asserted, that he had offered even an Hundred and Twenty per Cent. to obtain Money, in order to make some of his Payments, without being able to procure it—That when the Company had ordered his Debts to be reduced to Ten per Cent. he represented it as likely to prove ruinous to his Credit; and on that Ground prayed a Respite of the Execution of the Order—yet by his secret Instructions to his Agent, he considers himself at the very Time as having so much the Command of ready Money, that he offers at Three Payments to advance so vast a Sum as £. 700,000 at so low an Interest as Two per Cent. to the British Public, or even a greater, without any apparent Stipulation of Interest at all, *confidentially* to the Treasury.

Mr. Macpherson declares himself incapable of expressing "the noble and respectable Idea which "this confidential Proposal of the Nabob gave to the Minister." But it ought to have suggested Ideas of another Kind to the Court of Directors, who must have perfectly known that his Delays of Payment, both then and ever since, as well to his public as to his private Creditors, must have been a gross Fraud, if he were really Master of so much Treasure: If he were not, then the Offer itself must be a Fraud of another Sort, by which he hoped to engage the Ministry to enter into his Views, by holding out to them an Offer of Advantages which he was not able to realize. It is probable the Ministry, notwithstanding Mr. Macpherson's Representation to his Employer, must have treated the Offer in a different Manner from that which he describes. The Court of Directors, however, after that Representation, ought never to have taken into their Employment, a Person known to them to be concerned in such extraordinary Transactions. They could not peruse the Memorial before them, without being struck with the Multitude of Practices of this Agent, most, if not all of them, of the same pernicious Tendency towards the Honour and Interest of the Company.—His dating his Publications in the News-papers from Arlington Street, the Place of Residence of the then First Commissioner of the Treasury, with a Design of producing an Opinion that they were authorized by His Majesty's Ministers; his Use, for the same Purpose, of an *authoritative* Style to the Supervisors appointed by the Company; his Manner (which he says he cannot describe) of coming at the Instructions of the Supervisors; all these, with others of the same Nature (fully set forth in the Memorial aforesaid) must have convinced the Directors, that they could not have chosen a more unfit Person into whose Hands to commit the most important Affairs of their Constituents. In this Appointment therefore, Your Committee are of Opinion, That the Directors who voted for the said Mr. Macpherson, have been guilty of a flagrant Breach of their Trust.

When originally this Matter of Offence came before them, they ought not to have enquired only into the *Formality* of Mr. Macpherson's Dismissal; they ought to have enquired into the substantial Nature of the Charge for which he was dismissed; and if Mr. Macpherson had not cleared himself in a satisfactory Manner from that Charge, they, who had the Power, with the fullest Authority, and in perfect Form to Dismissal, were obliged by their Duty to put him out of the Company's Service, and not to take Advantage of Informality in Process to secure Indemnity for Crimes. If they had done their Duty in that Manner, the Act of Parliament would have had its natural Operation: But in this, and in many other Instances, it appears to Your Committee, that some Persons in the



Direction have countenanced an Evasion of the very Acts of Parliament formed for the Support of their own Authority.

The Directors undoubtedly are not obliged to follow the Line of Gradation; nor are they bound indispensably to attend to the Time of Service. They may, on good Reason, appoint absolute Strangers to any of their Offices. But when the Question is among Servants, and when those of high Rank and long and unexceptionable Service are passed over, and a Person neither long nor diligent in their Service, of low Rank in it, turned out from that low Rank for Misbehaviour, and restored to it with Censure and Reprimand; in such Competition among the Servants, to prefer the latter to all the rest, is to hold out a Lesson of the most pernicious Kind to those who act under them, a Lesson which tends wholly to reverse the Use of Rewards and Punishments. When it is considered that Mr. Macpherson appeared to the Court of Directors in no other Respect a Man of either Talents or Industry, but by his Exertions to their Prejudice, the Offence of Mr. Devaynes and Mr. Sullivan, who proposed and supported him, Your Committee conceive will appear much more heinous to this House.

When Persons entrusted with the Care and Conservation of any public Establishment, promote its known Enemies to the immediate Superintendence of its most essential Interests, a just Presumption arises, that they have intentionally betrayed their Trust: When Enemies so promoted are known to them to be concerned in an Attempt to carry on their hostile Designs by corrupt Practices, a Presumption arises, that the Trust is thus betrayed from *unworthy* Motives.

Mr. Devaynes on his Examination seemed to be ignorant of, or to have forgot most of the material Circumstances of the Transaction; and in general declined giving Information to Your Committee concerning the Grounds and Reasons of this Appointment, lest he should thereby accuse himself.

Mr. Sullivan declined answering several Questions apparently for the same Reasons.

Their Examination, which is annexed, will sufficiently indicate to the House the true Spirit of their Conduct.

Your Committee observe, That every Step hitherto taken in their Enquiry, convinces them more and more, that the Disobedience and Corruption of the Servants abroad (wherever such Disobedience and Corruption exist) may in great Measure be imputed to Intrigue, Cabal, and Management in Great Britain; to which heavy, inveterate, and growing Evil, no apt Remedy can be applied, but the constant Inspection of the House; with the Certainty that all these secret Intrigues shall in a reasonable Time undergo a public and parliamentary Scrutiny; and that no Servant of the Company can be safe in any new Office, whilst his Behaviour in the Offices which he formerly held, on such Scrutiny remains without a satisfactory Explanation; and that the Directors shall be as responsible for the Promotions they make of Persons justly obnoxious, as the obnoxious Persons whom they promote are for their own Conduct.

Your Committee finding these Papers to contain Matter of a very extraordinary Nature, and important for the Information of the House, have thought it necessary to enter them at large in the Appendix to this Report; and also to examine William Devaynes, Esquire, and Lawrence Sullivan, Esquire, at that Time Chairman and Deputy Chairman of the East India Company, concerning Mr. Macpherson's Appointment to the Office of Counsellor in the Supreme Council of India.—The Examinations of these Gentlemen are hereafter set forth; and the several Proceedings of the Court of Directors of the 24th and 28th of November, and 15th of December 1780, of the 4th, 5th, and 10th of January 1781, and the Dissent of John Manship, Esquire (one of the Directors) of the same Date, are also annexed in the Appendix, N<sup>o</sup> 6. To these Materials Your Committee particularly request the Attention of the House, as they will afford the Grounds upon which Your Committee have formed the Opinions and Observations which they now lay before the House.

Your Committee are of Opinion, That the greatest Care and Circumspection is absolutely necessary to be observed in the Choice of Persons proper to fill the highest Stations in India; and they are confirmed and strengthened in this Opinion by a Letter from the Right Honourable Lord Stormont (then one of His Majesty's Secretaries of State) dated the 31st August 1781, to the Chairman and Deputy Chairman of the East India Company, where, in answer to a Memorial from the Court of Directors to His Majesty, praying that he would be pleased to confirm the Appointment of John Stables, Esquire, his Lordship gives it as the Opinion of His Majesty's confidential Servants, "That the Appointment to such an Office in the present critical Conjuncture, must be considered as a Matter of great National Concern; that the Situation of India required that the Supreme Council of Bengal should be filled by Men fit to govern a great Empire in War and Peace; but that the Company having unanimously chosen Mr. Stables, whose private Character had been represented to His Majesty in the fairest Light, and no other Competitor having appeared more worthy of their Choice, that therefore the King had been graciously pleased to approve the Appointment they had made, in full Confidence that Mr. Stables would discharge the Duty of this high and important Office in a Manner becoming the Character which His Majesty thought he deserved."

William Devaynes, Esquire, being asked, Whether he was in the Direction when Mr. John Macpherson was appointed a Member of the Supreme Council of Bengal? he said, He was.—Being asked, Who was then Chairman of the East India Company? he said, He was.—Being asked, Who proposed

posed Mr. Macpherson in the Court of Directors for that Appointment? he said, He does not recollect—Being asked, Whether he approved his Appointment? he said, He was appointed by the Court—Being asked, Whether he approved of his Appointment? he said, It was approved of by the Court—Being asked, Whether it met his personal Approbation? he said, He begged Leave not to answer that Question—Being asked, Whether there was not a Motion made, and repeated, to enquire into the Conduct of the Company's Servants in Bengal, as a necessary Preliminary to any Appointment for filling the Vacancy occasioned by the Resignation of Mr. Barwell? he said, His Memory is not very accurate; all the Proceedings relative to that Business stand upon the Records of the Company—Being asked, Whether any Inquiry was made agreeable to a Resolution of the Court of Directors of the 15th of December 1780? he said, That Matter is upon Record also—It being then represented to Mr. Devaynes, That as the Committee do not find that Matter upon Record, they desired him to inform them, Whether he recollects if any Inquiry was made agreeable to the above Resolution? to which he said, He does not recollect that there was any—Being asked, Whether he recollects after the Resolution of the Court of Directors was taken to enter into an Inquiry, why such Inquiry was not carried on? he said, He does not know—Being asked, How soon after that Resolution for an Inquiry was Mr. Macpherson proposed? he said, About Twenty Days—Being asked, How soon after that Resolution did they agree to fill up the Vacancy? he said, It appears by the Records on the same Day—Being asked, Whether it is not the usual Mode of transacting Business in the Court of Directors, for all Propositions to be brought forward either by the Chairman or the Deputy? he said, No—Being asked, What is the usual Mode? he said, Any Member proposes any Question he pleases—Being asked, If he recollects whether he himself proposed Mr. Macpherson? he said, Every Question is proposed by the Chairman, the same as it is by the Speaker in the House of Commons, on a Motion made by any Director—Being asked, Whether the Committee is to understand, that he proposed Mr. Macpherson officially as Chairman of the Court of Directors? he said, He believes he proposed Mr. George Vanlittart, Mr. Dacres, and then Mr. Macpherson, all officially, he thinks, in the Order he has named them—Being asked, When he proposed Mr. Macpherson to be of the Council General (an Employment of the highest Trust and Power in the Company's Service) what Merits of Mr. Macpherson towards the Company did he state as a Reason for proposing him to the Court of Directors? he said, He did not state, nor did he propose—Being asked, What Station Mr. Macpherson had held in the Company's Service? he said, He does not recollect, but it will appear upon the Records—Being asked, Whether he had ever been in Office in Bengal? he said, He does not know—Being asked, If he knows whether he had ever been dismissed from the Company's Service? he said, No, he does not—Being asked, Whether he has never seen the Proceedings of the Governor and Council of Fort Saint George, of the 22d and 23d January 1776? he said, He does not know that he ever read or saw that Proceeding till within this Week—Being asked, Whether the Court of Directors was unanimous in Mr. Macpherson's Appointment? he said, He believes not—Being asked, Whether there was any Dissent to the Appointment? he said, He believes one from Mr. Manship—Being asked, Whether he recollects the Opinion of the Company's Counsel, Mr. Sayer, being read before the Court upon this Appointment? he said, He does not recollect it—Being asked, Whether he recollects the Opinion of Mr. Sayer being taken upon this Appointment? he said, No, he does not—Being asked, If he recollects whether Mr. Macpherson had ever been in any higher Rank than Factor in the Company's Service? he said, He does not rightly recollect what Rank he held—Being asked, Whether he did not, before he officially proposed him to succeed to so high an Employment, enquire into the Rank he had held in the Service, the Length of Time he had served, and his Diligence and Fidelity in Service? he said, His Character, as well as the rest of the Candidates, was talked over in the Appointment—Being asked, Whether there was any particular Testimony of any remarkable Service done by Mr. Macpherson for the Company, to entitle him to such an Appointment? he said, He does not recollect there were any in behalf of any of the Candidates—Being asked, What turned the Scale in Mr. Macpherson's Favour? he said, It appeared to be the Voice of the Court.

Being asked, Whether he thinks it is for the Company's Interest for the Court of Directors to promote an Officer, low in Station, short in Service, without any special Merit in that Service either appearing on the Company's Records or alledged by himself, above all the old Servants of the Company, who filled Stations superior to him, and for many Years? he said, It is most for the Interest of the Company to promote those Servants who are best able to do their Duty—Being asked, What Proof Mr. Macpherson had given, during his Services to the Company, of his being best able to serve them? he said, It appears that the Court of Directors were satisfied with his Pretensions—Being asked, When a Selection is made out of the Company's Servants, whether Length of Service, and Merit in that Service, ought not to be considered? he said, Certainly—Being asked, Whether any Thing was alledged or appeared concerning the Length of Time or Merits of the other Candidates in the Service? he said, It was conversed upon—Being asked, Whether that Plea, in Favour of the other Candidates, was disproved? he said, It was not attempted, that he recollects—Being asked, Whether any Thing of the Kind was alledged in Favour of Mr. Macpherson? he said, He does not recollect what passed upon that Occasion—Being asked, Whether he knows Mr. Macpherson personally? he said, He knows Mr. Macpherson, and both the other Candidates, personally—Being asked, How long he has known Mr. Macpherson? he said, He has known his Person about Three Years—Being asked, Whether he knows or has heard any Thing of his Occupation or Employment in England? he said, No, he does not—Being asked, Whether Mr. Macpherson was not recommended to him by any Person in the Service or Employment of Government? he said, Not that he recollects—Being asked, How he could know that

Mr.

Mr. Macpherson had been in the Service of the Company, without knowing that he had been removed from it? he said, He could not give any other Answer than that every Body knew it—Being asked, Whether, upon Mr. Macpherson's Appointment, the Court of Directors did examine into the Merits of his Dismissal from the Service by the Council of Fort Saint George? he said, He cannot charge his Memory with it.

Lawrence Sullivan, Esquire, being asked, Whether he was in the Direction when Mr. John Macpherson was appointed a Member of the Supreme Council of Bengal? he said, He was Deputy Chairman—Being asked, Who proposed him for that Appointment? he said, He believes the Chairman—Being asked, Whether he opposed it? he said No—Being asked, Whether there was not a Motion made, and repeated, to enquire into the Conduct of the Company's Servants in Bengal, as a necessary Preliminary to any Appointment for filling a Vacancy occasioned by the Resignation of Mr. Barwell? he said, There was a Motion made and carried for an Enquiry into the Conduct of the Company's Servants in Bengal—Being asked, Whether he voted for that Enquiry, or not? he said, He was one of those who agreed to that Motion—Being asked, Whether the Enquiry was made agreeable to the Resolution of the Court of Directors of the 15th of December 1780? he said, He does not at present recollect the Directors going into such Enquiry—Being asked, Whether he recollects, after the Resolution of the Court being taken to enter into an Enquiry, why such Enquiry was not carried on? he said, He really does not know—Being asked, Whether he recollects how soon after that Resolution passed, Mr. Macpherson was proposed? he said, It appears by the Minutes of the Court of Directors, that Mr. Macpherson was proposed the same Day—Being asked, When the Chairman proposed Mr. Macpherson to be appointed of the Council General (an Employment of the highest Trust in the Company's Service) what Merits of Mr. Macpherson towards the Company did he state as a Reason for recommending him to that Station? he said, He cannot recollect what he stated; but he believes he proposed him as the fittest Person for that Station—Being asked, Whether he thought him the fittest Person for that Station? he said, Taking into Consideration his Abilities and his Knowledge, he did consider him as a fit Person for that Station—Being asked, What Station he had held in the Company's Service? he said, He had been a Writer; and he believes, when he was dismissed, was a Factor at Fort St. George—Being asked, Whether he had ever been in Office in Bengal? he said, He believes not—Being asked, Whether he had been in any other Capacity in the Company's Service except those of Writer and Factor? he said, He believes not; though he has heard in an indistinct Way, that he went abroad as a Purser, or in some other Situation, under Captain Macleod—Being asked, How long Mr. Macpherson attended his Duty in the Capacity of a Writer and Factor resident in India? he said, As he was not a Director when he was appointed or when he was dismissed, he cannot answer that Question—Being asked, Whether, before he had formed his Judgment that he was a fit Person for so high an Employment, he enquired into his Rank, the Length of Time, and his Diligence in Service? he said, He certainly knew his Rank; and upon the Enquiries he made, he did not find any Complaints against him for Want of Diligence; and he must know his Length of Service was but short—Being asked, Whether there was any particular Testimony of any remarkable Service done to the Company by Mr. Macpherson, to compensate for the Lowness of his Rank, and the short Time of Service in that Rank? he said, He took up his Idea upon the general Opinion he entertained of his Knowledge and Abilities—Being asked, Whether he is personally acquainted with Mr. Macpherson? He said, Certainly; from his last Return from India in 1777—Being asked, Whether Mr. Macpherson stated to him any particular or special Service he had done to the Company, whilst he was in their Employ in India? he said, Not that he remembers—Being asked, Whether he thinks it is for the Company's Interest to promote an Officer, low in Station, short in Service, and without any special Merit in that Service, either appearing on the Company's Records, or alledged by himself, above all the old Servants of the Company, who filled Stations superior to him, and for many Years? he said, When the Supreme Council was first appointed, the Legislature and the Company did not seem to have in Contemplation either their Service or the Length of their Services; and for that particular Situation, he does think that Persons the fittest to fill that Station should be selected from Persons whether in or out of the Company's Service, where they should be found most fitting—Being asked, Whether, when the Selection is made out of the Company's Servants, their Length of Service, and Merit in Service, ought not to be among the Rules for estimating their Fitness for that Office? he said, Yes, provided they have Knowledge and Abilities equal or superior to others—Being asked, Whether amongst the Servants of the Company who were higher in Rank and longer in Service, no Person, equal to Mr. Macpherson in Knowledge and Abilities, was to be found? he said, He gave Mr. Macpherson his Vote because he thought him the fittest Person—Then the Question being repeated, and the Oath directed to be taken by the Directors of the East India Company before they act, being read, he said, He thought there were Persons equal in Knowledge of the Officers of the Company, but not in Abilities—Being asked, Whether he thought that Mr. Macpherson can be equal in practical Knowledge in the Company's Affairs, particularly in the Bengal Department, to those Servants of long Standing and high Rank in that Presidency? he said, He might not have equal Knowledge respecting the Bengal Department only, but he conceives that he had a very extensive Knowledge of the Affairs of the Company in general, in India—Being asked, By what Means he acquired it? he said, He cannot pretend to give an Answer to that Question—Being asked, Whether any of the Company's Servants, higher in Rank and longer in Service, have not had positive Merits with the Company?

Company? he said, He does not recollect—Being asked, How far did Mr. Macpherson employ his Abilities in the Service of the Company? he said, He does not know of any particular Instances—Being asked, Whether he heard of any Books or Publications of Mr. Macpherson's in England, relative to the Company? he said, He does not recollect that he has—Being asked, If he knows whether Mr. Macpherson was not dismissed from the Company's Service? he said, He does know that he was dismissed—Being asked, For what Offence he was dismissed? he said, He was not in the Direction at the Time, but he has heard that it related to some Transactions of Mr. Macpherson in England, for which he was questioned at Madras by the late Lord Pigot, and which ended in his Dismissal—Being asked, Whether upon his Appointment to the Supreme Council, the Court of Directors did examine into the Merits of those Transactions? he said, He thinks they did, and he does remember that the Directors took into Consideration his Dismissal, and there was read the Opinion of Mr. Sayer, the Company's Counsel, who gave his Opinion, that the Dismissal was legal and proper, but the Opinion of Mr. Wedderburne (the present Lord Loughborough) was clear, that the Dismissal was informal, and that Mr. Macpherson ought to be considered as still in the Service—Being asked, Whether the Directors inquired into the Merits of the Transaction itself, and not into the Legality or Illegality of the Dismissal only? he said, The Directors, he believes, heard all the Papers read in Court relative to the Transaction.

Being asked, Whether he has ever read the Consultations of the President and Council of Fort Saint George, of the 22d and 23d January 1776? he said, He believes he has read them—Being asked, Whether at the Time the Appointment of Mr. Macpherson was made, he did not know that he had been dismissed from the Company's Service by the President and Council of Fort Saint George, for holding Principles, and being concerned in Transactions, represented by that Council highly prejudicial to the Interest of the Company? he said, He certainly did know that such a Transaction had passed when he was not in the Direction; and as he found him restored to the Company's Service when he was in the Direction, he concluded that all those Matters had been passed over—Being asked, Whether there was any other Person who offered his Services to the Court of Directors, to succeed to the Vacancy of Mr. Barwell in the Supreme Council of Bengal? he said, He thinks Mr. George Vansittart did—Being asked, What Station had Mr. George Vansittart held in the Company's Service? he said, He thinks he had been a Member of the Council of Bengal—Being asked, Whether he recollects the Length of Mr. George Vansittart's Services? he said, He does not recollect; but as he went out a Writer, and rose gradually to the Rank of a Counsellor, he must have been there a considerable Number of Years—Being asked, In what Light the Character of Mr. George Vansittart, as a Company's Servant, was considered by the Directors? he said, It was not called in question—Being asked, Whether the Court of Directors had any Objection, or any Grounds of Objection, to make to the Conduct of Mr. George Vansittart whilst he was employed in their Service in Bengal? he said, He can only say there was none brought forward at that Time, nor did he hear that any was intended—Being asked, Whether any Ground of Objection did to his Knowledge exist? he said, He cannot say there were any—Being asked, Whether he did suppose that the Appointment of Mr. Macpherson to be a Member of the Supreme Council of Bengal, one who had never risen to a higher Rank than that of a Factor in the Service, and was dismissed from that Office by the Governor and Council of Fort Saint George, would be an Appointment acceptable to the Servants of the Company in India, his Seniors in Rank and Length of Service? he said, As he found when he returned to the Direction, Mr. Macpherson was restored to the Company's Service, he considered that all those Objections against him had been removed, and he had his Vote because he thought him the fittest Person: Mr. Sullivan further added, That he could not possibly answer to what the Servants of the Company might think upon the Subject—Being asked, Whether it was not a Principle long since established with the Company, that Length of Services and upright and faithful Conduct should be promoted and rewarded, as an Excitement to the Company's Servants in general zealously to discharge their Duty to the Company in their respective Stations? he said, It has been generally the Principle which has governed the Company in their Appointments Abroad—Being asked the Time when Mr. Macpherson was restored to the Company's Service? he said, He was not in the Direction when he was restored; but the Letter from the Court of Directors to the Governor and Council of Fort Saint George, of the 4th of July 1777, informs the Council of his Restoration—Being asked, Whether Mr. Macpherson was in the Service of the Company from the Time of his Restoration to the Time of his Appointment to the Supreme Council in India? he said, He believes he was; but did not return to India until he was appointed to the Supreme Council—Being asked, Whether Mr. Macpherson was in the Pay of the Company from the Time of his Restoration to the Time of his Appointment to the Supreme Council? he said, He believes he was not—Being asked, Whether there were any particular Reasons why Mr. Macpherson, being a Servant of the Company, should be permitted to remain in England between Three and Four Years after his Restoration? he said, He does not recollect the Reasons that he understands he assigned in the Letters he annually wrote to the Court of Directors, for Permission to remain in England.

Mr. Sullivan afterwards begged Leave to observe to the Committee, that, upon further Examination at the India House, he does not find that any Letters had been wrote by Mr. Macpherson to the Court of Directors, and that he does not recollect that any particular Reasons were assigned for their Permission for him to remain in England.

Being asked, Whether he has seen the Paper on account of which Mr. Macpherson was discharged



from the Company's Service? he said, He thinks he has—Being asked, Whether he considers the Principles laid down, and the Conduct related in that Paper, to be such as to entitle a Servant of the Company to be promoted to the Supreme Council of India? he said, As Mr. Macpherson was restored to the Service before he came into the Direction, that Paper could make no Part of his Consideration, as he then stood acquitted of all those Charges by his Restoration—Being asked, Whether he knows that he ever was acquitted of the Charge of writing that Paper? he said, He never heard that he was particularly acquitted of that, but he understood, he was generally acquitted—Being asked, Whether he looked into the Company's Records, to examine of what Nature and upon what Grounds that general Acquittal was made? he said, He does not remember that he did; he found him restored, and did not consider at the Time that there was any Necessity to enter on his past Conduct—Being asked, Whether when a Servant of the Company is about to be put into a Situation of the highest Trust, from an inferior and subordinate Station, he thinks it enough to find him restored to that subordinate Station by former Directors, without any apparent Examination of the Charge against him, which appears upon the Company's Records uncontradicted and unexplained? he said, When he gave his Vote for the Appointment of Mr. Macpherson, he took into Consideration all Circumstances at the Time, and considered him as the fittest Person for that Appointment—And being asked, Whether he approves of the Object of his Commission from the Nabob of Arcot in the Year 1767, and of his Proceedings in consequence of that Commission? Mr. Sullivan repeated his Answer to the foregoing Question.

Mr. Sullivan being then asked, Whether he took into Consideration the Circumstances of the Paper produced in Consultation at Madras the 22d January 1776, and which was printed and circulated in London, and was then actually under the Consideration of the Court of Directors, and had been submitted to the Opinion of their Counsel, who gave an Opinion against the Legality of the Restoration to the Service? he said, That Paper was certainly before them at the Time, as well as an Opinion of Mr. Wedderburne, who had stated, that Mr. Macpherson's Dismissal was not legal—Being asked, Who delivered to the Court of Directors that Opinion of Mr. Wedderburne? he said, He does not know; it was in the Court on his Return to the Direction—Being asked, Whether he saw the Case on which that Opinion was given? he said, He does not recollect that he did—Being asked, Whether he does not know, that the Opinion when delivered in was not annexed to a Case? he said, He only knows that upon his coming into the Direction, an Inquiry was made, and no Case could be found, as well as he recollects—Being asked, Whether that Opinion of Mr. Wedderburne was taken by Order of the Court of Directors? he said, He has heard that it was not—Being asked, Whether Mr. Sayer's Opinion was taken by Order of the Court of Directors? he said, He believes it was—Being asked, Whether it was an Opinion upon a Case stated? he said, He believes it was—Being then asked, Why then did he prefer an Opinion given without a Case upon no Reference from the Court of Directors, and which came he knew not how under their Consideration, to an Opinion delivered upon solemn Reference to the Company's own Standing Counsel, by a regular Order of the Court of Directors, and with a Case stated agreeable to that Order? he said, He conceives that Mr. Wedderburne, when he gave that Opinion, had sufficient Information before him; and he considered Mr. Wedderburne's Opinions to be greatly superior to those of Mr. Sayer—Being asked, Whether he took any Measures to ascertain whether he had a proper Case before him? he said, No; he only judged from the Papers before the Court—Being asked, Whether he considered Mr. Sayer to be a Man of Ability and Knowledge in his Profession? he said, He recommended Mr. Sayer to the Company as a Man of Abilities in his Profession, but those Abilities were greatly impaired in the latter Part of his Life—Being asked, Of what Age Mr. Sayer was at that Time? he said, He should suppose near Seventy—Being asked, Whether he thought that a Person who considered it as difficult to persuade the Nabob of Arcot, his Employer, "That Men who would not receive his (the Nabob's) Presents, had any serious Intention to serve him," was a fit Person to be employed by the Company, in a Situation in which all Dealing in Presents was forbid by Law? he said, He begged Leave to decline answering that Question—Being asked, Whether a Person "who availed himself of the Disputes which subsisted, or were commencing, between the First Lord of the Treasury and the India Directors, to enforce the Propriety of supporting the Nabob," was a fit Person to be confidentially employed in the highest Station of the Company's Service? he said, He begged Leave to decline answering that Question—Being asked, Whether Mr. Macpherson's Assertions, "that he was the First Person in England to make any public Mention of the Guarantee of the Nabob of Arcot by the Treaty of Paris," rendered him a fit Person to be employed in the Company's Service? he said, He declined giving any Answer to that Question—Being asked, Whether he had read the 4th Article of Mr. Macpherson's Memorial to the Nabob of Arcot? he said, He does not recollect—Being asked, Whether he does not know that the Succession to the Nabobship of Arcot, and its Dependencies, was confirmed to the eldest Son of the Nabob Mahomed Ali, by one of the Instruments by which he held his own Government, and that this Treaty was negotiated by Lord Clive? he said, He thinks he does remember it—Being asked, Whether he does not think that the Company, and the Company's Servants, had a Right to interfere, in order to secure that Succession according to the Tenor of the Treaty? he said, Yes, surely—Being asked, Whether or not any Person proposing, and stipulating at his own Expence, to bring about an Act of Parliament, to make it a Crime in the Company's Servants against the State, to interfere with the Government and Succession of Indian Princes in Treaty with the Company, was a fit Person to be appointed of the Supreme Council of India? he said, He must decline to answer that Question

Question—Being asked, Whether he called upon Mr. Macpherson for a Copy of a Proposal for the Purpose abovementioned, which in his Memorial he states to have been accepted by the Secretary, in order to be laid before Lord North and Mr. Dyson? he said, He begged Leave to decline answering that Question—Being asked, Whether about the Time of Mr. Macpherson's Negotiation in England the Nabob of Arcot did not appear upon the Company's Records to be in Arrear in his Payments to the Company; that he was greatly in Debt to Individuals, as well English as Natives; and that he was borrowing (as he asserted) Money upon an exorbitant Usury, in order to pay those English their Debts? he said, He could not from his Memory speak to those Points as to Dates, but he believes the Facts as mentioned in the Question—Being asked, Whether any Agent of the Nabob of Arcot, offering to lend to the Public a Sum of £. 700,000 and upwards, at £. 2 per Cent. whilst he was in Debt to the Company, and borrowing Money at £. 20 per Cent. and upwards, and in a Place where the Company could not borrow Money at less than £. 8 per Cent. was not guilty of an Injury to the Company, and of an Attempt to deceive His Majesty's Ministers, to whom he offered this Sum of Money at that low Interest? he said, He begged Leave to decline answering that Question—Being asked, Whether such Agent making an Alternative, in case the Proposal to the Public should not be accepted, of lending the same, or a greater Capital, to the Treasury, as a pretended Pledge of his Fidelity and Trust in the British State, was not, in his Opinion, a dangerous Attempt on the Constitution of this Kingdom, and a Matter highly prejudicial to the Interest of the East India Company? He declined answering that Question.

It being represented to Mr. Sullivan, that as Mr. Macpherson in his Memorial had declared that he had put Pamphlets into the Hands of His Majesty's Ministers, in which it was proposed to raise the Nabob to the Musnud of the Decan; he was asked, Whether it was not an Attempt to lead His Majesty's Ministers into a Violation of the public Faith of this Kingdom; and whether it had not a Tendency to spread Blood and Devastation through a great Part of India? he said, He must decline answering that Question—Being asked, Whether he has not heard, or read upon the Records of the Company, that the Transaction in India for the Purpose of usurping the Musnud of the Decan, has not been censured by the Court of Directors in the strongest Terms as a dangerous and corrupt Transaction? he said, He must decline answering that Question—Being asked, Whether he knows of any unjust Debts claimed by the Company from the Nabob of Arcot for the Expence of the late War? he said, He cannot say he does—Being asked, Whether he thinks that Mr. Macpherson pretending to proclaim in certain Publications, Royal and Ministerial Determination of supporting the Nabob, especially against any unjust Debts that might be brought against him for the Expences of the late War, rendered him a fit Person to be employed in the Supreme Government of the Company's Affairs? he said, He must decline answering that Question—Being asked, Whether a Person who publishes certain pretended authoritative Letters to the Supervisors sent out for the Reformation of the Company's Affairs, in Support of the Nabob, was a fit Person to be appointed in the highest Post of Superintendency in India? he said, He begged Leave to decline answering that Question—Being asked, Whether a Person whose Services are by himself stated to be of that Nature, that he could only explain in Conversations with the Nabob, was a fit Person to be employed in the highest Trust in the Company's Service? he said, He begged Leave to decline answering that Question—Being asked, Whether he does not know that in consequence of those Negotiations there did not arise the most violent Dissensions and Disputes between the Ministers sent out by the Crown to India and the Servants of the Company resident there? he said, He could not give an Answer to that Question—Being asked, Whether he has ever heard from the Chairman of the Company, that Mr. Macpherson was recommended to an Appointment in the Supreme Council by any of His Majesty's then Ministers, or those acting under them? he said, No—Being asked, On whose Recommendation he was appointed? he said, By no particular Recommendation; he applied to the Directors individually.





---

# A P P E N D I X.

---

## N<sup>o</sup> I.

Extract of Fort Saint George Military Consultations, 22d January 1776.

### P R E S E N T,

The Right Honourable Lord Pigot, Governor, President,  
George Stratton, Robert Fletcher,  
George Dawson, Henry Brooke,  
Claud Russell, Alex<sup>r</sup> Dalrymple,  
John Max<sup>n</sup> Stone, Arch<sup>d</sup> Palmer,  
Francis Jourdan, George Mackay.

**T**HE Right Honourable the President acquaints the Board, that a Paper, unsought for and unsolicited, had been put into his Hand; that there was no Signature affixed to it, but that it contained Matter of so dangerous a Tendency to the Interests of the Company, that he has thought it expedient to lay it before them:

Whereupon the Paper, as delivered in by the President, is read as followeth:

A short Memorial of Services rendered to his Highness the Nabob of the Carnatic, Waulaujau, &c. &c. whom he sent upon a secret Commission to His Majesty's First Minister of State, 1767.

The Object of this Commission was to procure Relief from the Oppressions under which the Nabob was labouring, though in Alliance with Great Britain. It was necessary the Commission should be secret, as well as the Powers to execute it confined, for several Reasons.

To procure this wished-for Relief, the Means to be employed were, if possible, to raise in the Breast of the Prime Minister a favourable Respect for the Nabob; then to lay before him, not in the Mode of direct Complaint, of which he might avail himself against the Company; the Distress of the Prince; likewise to shew the Advantage which would arise to the State, from granting him the proper Protection, and supporting him in the Rights of his Alliance.

1<sup>st</sup>. Upon my Arrival at the Court of Britain, towards the End of the Year 1768, I found Two important Changes had happened in Administration: The Earl of Chatham had retired in such a Manner from Power, as convinced the most intelligent upon those Subjects, that there was little Prospect of his ever again possessing a Lead in Administration; the Earl of Shelburne had been dismissed, at the Instigation of the Duke of Grafton, from the Office of Secretary of State.

These Changes, however unexpected, did not discourage my Resolution of supporting the Cause of the Nabob; whoever had the Favour of the Sovereign, it was my Business to interest him in the Support of my Employer.—But, fortunately, the Favourite and Minister was a Personage of the first Distinction, of the noblest and most steady Principles; every Consideration pointed out his Grace as the Member of the British Empire whose Friendship and Support, next to those of the Sovereign, were the most desirable to the Cause of the Nabob; but above all, the Consideration of his being at the Head of Affairs, rendered it necessary to apply to the Duke of Grafton.

I accordingly obtained from my Patron and Friend, the Earl of Warwick, a Letter of Introduction to his Grace. With this Letter, which declared, from his Lordship's intimate Knowledge of me,

## A P P E N D I X, N° 1.

me, that a perfect Dependance might be made upon my Honour and Judgment, I waited upon his Grace, and first presented him with a general State of India, and a Plan by which the Concerns of that Country might be turned to the Public Advantage; and which has since been partly adopted.

\* This Plan I drew out and presented, with a View of discovering his Grace's Sentiments before I was explicit; the Consequence was favourable. I signified in some Degree my Commission; and on the 8th of December I received a Letter from his Grace to wait on him.

It was unnecessary to act with further Reserve, his Grace spoke so feelingly of the Oppression under which the Princes of India laboured from the usurped Authority of the Commercial Subjects of the State.

I then expatiated upon the superior Merits of the Nabob; shewed that he was the Person to whom Britain owed the Rise of her Power in India, that his Attachment and unsullied Honour to the English were unparalleled. I then dwelt upon the personal Merits as a Statesman and Gentleman; and shewed, that though he had Assurances of Protection under the Sovereign Hand, he was treated with Indignity, and even Tyranny.

The Letters and Credential Presents were then presented; the Answer of the Duke of Grafton did Honour to the Minister of the best of Kings and the first of Nations.

“ Sir,

“ It is my sincere Disposition that the Nabob should have every Support that is consistent with  
 “ the Power and Interests of the Crown to give; I will gladly receive from you every Proposal upon  
 “ that Subject, and warmly represent them to my Sovereign; and I desire you to believe, that the  
 “ Nabob's Interest runs no Risk from my Want of Caution. If you write him, inform him of  
 “ my Wishes for his Prosperity, and explain to him that I will not accept his Presents, however  
 “ great my Respect for him is; I will have no Return for the just Regard I owe him as a Man,  
 “ but my own Sensibility. It is from my Fidelity to my Master and Duty to my Country, that I  
 “ will only serve him as a Minister.”

Overwhelmed with the Nobleness of this Answer, I took up the Presents, and offered them, in the Name of the Nabob, to his Grace's Secretary, Mr. Bradshaw: Upon which Mr. Bradshaw said,

“ Sir,

“ Were it in my Power to shew my Respect for the Prince you serve with such affectionate Zeal,  
 “ he should have every Proof of it. You seem to merit my Regard, but you'll forfeit it if you  
 “ insist upon my disgracing the Example of the Duke of Grafton.”

I cannot describe what I felt upon this Occasion; upon reflecting, I thought it would be difficult to persuade my Employer, that Men, who would not receive his Presents, had any serious Intentions to serve him; I likewise apprehended, that being without any Proof of having insisted upon their being received, my Want of Persuasion would be found fault with. Upon my making these Objections, the Secretary said:

“ From the Confidence the Nabob has placed in you, any Representation you are pleased to  
 “ make him, will convince him; but we do not wish him to judge of Things from their Representa-  
 “ tion, but from their Event. If he will find his Cause espoused here, and the consequent Effects  
 “ in his Situation, you will have less Difficulty in persuading him that the Minister can be his  
 “ Friend without receiving his Presents.” This passed at a subsequent Interview, to which I was appointed, by a Letter from his Grace, on the 20th January 1769.

2d. Having represented the Nabob's Distress, and the Oppressions under which he laboured, in the most cautious Manner to his Grace, I availed myself of the Disputes which subsisted, or were rather commencing, between his Grace, as First Lord of the Treasury, and the India Directors, to enforce the Propriety of supporting the Nabob. This Dispute was about the Territorial Acquisitions of the Company. His Grace was going to refer the Decision of this Question to Parliament. I seized the Opportunity; but it is now unnecessary to be explicit upon this Subject. The Nabob may inform himself of my Arguments, by looking to the Memorial, N° 2. now in his Possession. I can only upon this Head refer to the Alteration of the Minister, and Spirit of my Writings, which had always this useful Tendency to the Nabob's Interest, they shewed that the firm Support of his Highness in the Rights of his Guarantee by the Crown, was the best Restraint which Government had upon the Usurpations of the Servants of a certain Company.

The Nabob will likewise be pleased to inform himself, whether there was ever any public Mention made of his Guarantee, by Article 11th of the Treaty of Paris, prior to my Applications for him in England—I remember none.

3d. The cautious Manner in which I presented the Nabob's Applications to the Duke of Grafton, in his Ministerial Character. My prefatory Address to those Applications was in these Words:

“ To his Grace, and &c. &c. &c.

“ It is not solely in your Character of First Minister of the British Empire, that your Grace is  
 “ expected

## A P P E N D I X, N<sup>o</sup> i.

“ expected to receive these Applications in Favour of the Nabob ; they are likewise addressed to your Grace as the Personage whose Rank, Greatness, and Liberality of Mind, render you the most worthy of receiving the Address of Princes who are allied to your Nation ; as your Zeal and Influence in the Service of your Country, and Sensibility of the Rights of Mankind, render your Grace the most capable of preserving those Alliances, to the mutual Advantage of the State and the Princes on whom they are bestowed.”

From the Tenor of my Applications and Representations of the Nabob's Merits, I will venture to say that I have obtained him the Friendship and Esteem of his Grace ; of this the Nabob I hope is not insensible.

4th. The Steps I took, at my own proposed Expence, to bring about an Act of Parliament, limiting the Power of the Company's Servants, and making it a Crime in them against the State, to interfere with the Government and Succession of the India Princes in Treaty with the Company, and my Endeavour to make this Act particularly relative to the Nabob and his Posterity.

A Copy of my Proposal to this Purpose, accepted by the Secretary, of my Correction, that he might afterwards lay it before Lord North and Mr. Dyson, is now in the Hands of the Nabob here : His Highness will see that I stipulated to be at the Expences of the Act, &c. out of my Pocket ; the Utility of it he will I hope be sensible of.

5th. The Manner in which I executed the Nabob's first and grand Injunction to me, his Desire of sending a Capital of Seventy Lacks of Rupees to the Public, at the low Interest of Two per Cent. The Words of my Proposal upon this Subject to his Grace, as First Lord of His Majesty's Treasury, as follows :

### “ P R O P O S A L.

“ The Nabob, from his Knowledge of Security of the British Funds, the precarious Tenure of pecuniary Property in India, and his Desire of providing for his youngest Children, proposes to invest a Capital of 70 Lacks of Rupees, in any of the National Stocks of Britain, as the Minister would direct him ; the Money would be remitted to Europe in Three Annual Payments. On Receipt of these Sums, Obligations drawn up, so that the Nabob might be secure his Property should be remitted to him.”

“ If the foregoing Proposal should not be agreeable, the Nabob would lend the same or a greater Capital to the Treasury, as a Pledge of his Fidelity towards and Trust in the British State.”

It is impossible for me to express the noble and respectable Idea which this confidential Proposal gave of the Nabob to the Minister.

My subsequent and frequent Interviews with the Secretary of the Treasury, Mr. Bradshaw, as appears by his Letters, which are in the Order of their Dates in 1769, May 16th, 17<sup>th</sup> 30th, June 17th, July 7th, September 27th, 17<sup>th</sup> 30th, October 19th, November ;—in 1770, January 13th, February 9th, &c. &c. &c. These Interviews were all to advance the Nabob's Interest : I cannot recapitulate the interesting Subjects of them here ; they might afford Subject for a Volume ; they are not now so material, since the Object sought in Confidence is obtained, His Majesty has been pleased to grant the Support.

6th. My going to Sir John Lindsay at his House in Bentinck-street, at the Time he was getting his Secret Commission, and my recommending to him then, and there after by a Letter, in a warm Manner, to support the Nabob ; my urging him to wait on the Duke of Grafton, to get a more enlarged Commission. Sir John Lindsay's Answer to me upon this Occasion was much in the Style of a Gentleman and Minister ; he said, “ He would disinterestedly support the Nabob according to his Powers from his Master ; that his Commission came immediately through Lord Weymouth the Secretary of State, and that he would wait on the Duke of Grafton out of Compliment due to the Minister.”

This might be one Cause why the Duke said only to him, when he did wait, “ Take Care the Servants of the Company do not make War to the Prejudice of the State and its Allies, for their own Emolument.”—Sir John will, I hope, attest for me here, how I wanted him to be present at the Account I gave the Nabob of the Discharge of my Commission ; his Reasons were ministerial for not being present.

To this I will add the Steps I took in London to procure the Nabob a Security against the Supervisors, by endeavouring to find out Mr. Vanstuart's Intention under his own Hand ; this I did in a Manner I cannot publicly explain ; Mr. Vanstuart's Letter will shew this, and the Use to which I turned it for the Nabob.

7th. The Friends I interested in the Nabob's Prosperity (besides those of the Ministry I addressed) and that without discovering to them my Commission.—Those Friends I interested for the Nabob, for fear of a Change in Administration ; the Chief of them is the Earl of Shelburne, whom I found very inquisitive in his Conversation about the Affairs of the Carnatic, as may appear by a Letter with which I was honoured by his Lordship ; I wrote his Lordship over Land from the Malabar Coast, after Receipts of my Charge from the Nabob ; but he was out of Ministry upon my Arrival in England, and violently in Opposition. I never asked whether he received my Letter, though I believe

## A P P E N D I X, N<sup>o</sup> 1.

believe he did, for he judged me to be in the Nabob's Interest. I could not explain any Thing to his Lordship, but at his Request sent him the Pamphlets about the Nabob's Affairs, especially that where it was proposed to raise the Nabob to the Musnud of the Decan: "You see, (said his Lordship,) how attentive I am to these Subjects." "I request your Lordship to continue so," was my Answer. This passed when I took Leave. He spoke well of the Nabob, and told me he had presented the fine Diamond Ring by Mr. Palk to His Majesty.

The Earl of Warwick, Lord Grenville, &c.—the Friendship of the Earl of Warwick is so disinterested, that he forbids any Return of Presents to them: I might add many other respectable Names, but Circumstances forbid.

8th. My Publications for a Year and a Half in Favour of the Nabob.—The Aim of these Publications was to interest not Ministers and Directors alone in his Favour, but the whole British Nation. See the Letters in the Public Advertiser, signed and the Letters dated from Arlington Street, where the Minister lived.

In these Publications I proclaimed the Royal and Ministerial Determination of supporting the Nabob; especially against any unjust Debts that might be brought against him for the Expences of the last War. Let those Essays speak for themselves; but I will venture to assert, that relative to the Expence of the War, I have rendered a signal Service to the Nabob.

But from all my Publications in Favour of the Nabob, I must distinguish the Character and Print of him, which I published in Major Dowe's History, Second Edition; and the Article I got inserted in the same History, vindicating the Nabob's Father, Anveruldeen Cawn, from a Charge the Historian had fixed upon him, that of murdering his Predecessor Abdalla.

Copies of his History so printed at a great Expence, were put in the Hands of the Ministry, with what related to the Nabob in red Characters.

The Cause of this Publication in Support of the Nabob's Honour, was a Suspicion that his Enemies were whispering against his Fidelity to the English, upon the Arrival of the Dutton (1769) Indiaman, from India in December; which Event detained me Half a Year longer at the Court of London. It was upon this Occasion I addressed the authoritative Letter in Support of the Nabob to the Supervisors in the Public Advertiser.

A very effectual, though more general Service, that those Publications rendered, was, first to the Nabob—The Restraint they occasioned at the India House, and the Lights they gave, the able, attentive Secretary, Mr. Wood, a Person of his Honour, will admit.

9th. That I returned to India, endured a most perilous Voyage, to render my Negotiation effectual to the Nabob's Interest, not to solicit Rewards and Expences, which I might have had better perhaps remitted to me in England.

But above all, that I have spent the greater Part of my Fortune, and Four Years of the most interesting Period of my Life, in rendering these Services, and others, which I can only explain in Conversations to the Nabob.

In Answer to this Memorial, those who attend solely to the Nabob's immediate Convenience, will ask, what Proofs have you brought of those Services?

This is a Question which the Nabob himself will be cautious of putting; but the Answer would cause no Embarrassment.

The Event of the Negotiation, my Honour unforfeited, and in which the Trust and Confidence were put, in the Time of the Nabob's Distress; the Letters under the Hands and Seals of the Duke of Grafton and the Secretary of the Treasury, attesting to that Honour; other Letters from the Nabob's Friends; my Publications; the Particulars of this Memorial; my Request at my Arrival here, that His Majesty's Minister should be present at the Account I gave of my Negotiation; my ready and earnest Desire to give the Nabob, under my Hand and Seal, this Memorial of a secret Negotiation, without receiving the Expences I incurred, and the Rewards promised for effecting the Business I undertook.

What other Proofs are wanted? If there are any more wanted, they must be obtained by Command of His Majesty to His Ministry: The Negotiation becomes then a Public one. I have in that Event the Happiness to feel that I have done my Duty as a Man of Honour and Fidelity to the Trust reposed in me by the Nabob, as a faithful Subject to His Majesty.

The only Bonds I had for the Expences that I was to incur, and my proposed Services, were the Honour and Gratitude of the Nabob, which will never be forfeited to his most faithful Servant.

At the Desire of the President, Mr. Macpherson is then called before the Board; and upon being asked, Whether or not he is the Author of it? the same being first read to him, he replies, "That it is impossible for him to give a precise Answer to that Question, the Paper being neither wrote in his Hand, nor signed by him; nor does the President inform him that he has received it from any Authority;—it is a Paper of considerable Length, and refers to Transactions previous to his being in the Company's Service."

Mr. Macpherson is then ordered to withdraw.

# A P P E N D I X, N<sup>o</sup> 1.

Copy of Fort Saint George Military Consultation, the 23d January 1776.

## P R E S E N T,

The Right honourable Lord Pigot, Governor, President,	
George Stratton;	Sir Robert Fletcher;
George Dawson,	Henry Brooke,
Claud Ruffell,	Alex <sup>r</sup> Dalrymple;
John Max <sup>r</sup> Stone;	Archd <sup>o</sup> Palmer,
Francis Jourdan;	George Mackay.

The Minutes of last Consultation read.

The Right honourable the President having given Time to consider the Subject of what passed in Yesterday's Consultation, at which Mr. Macpherson, when sent for before the Board, and asked, "If he was the Author of the Memorial then read to him," in an evasive Manner replied, that "He could not give a precise Answer; that it was *not written in his Hand, nor signed by him*; and "that it referred to Transactions *before* he was in the Company's Service," the President observes to the Board, that a Person holding such Principles; and being concerned in such Transactions, who at the same Time should apply to be appointed into the Service of that Community whom he was endeavouring to destroy, was, instead of an Extenuation, the highest Aggravation; and that Mr. Macpherson's Reply is a clear Proof, not only that he is the Author, but he still holds the same Principles, unfaithful to the Company, and ruinous to their Interest, and is therefore a very improper Person to remain in their Service: On which Account he strongly recommends to the Board, "that John Macpherson be dismissed from the Company's Service;" which Instance of condign Punishment, he has great Reason to think, will tend very much to bring the Affairs of the Company to Order.

Carried in the Affirmative by a Majority of the Board, Nine to Two.

Messrs. Stratton, Brooke, Jourdan, and Mackay, deliver in the following Minutes.

We assent to the Motion of the Right honourable President. We own we are satisfied that Mr. Macpherson is the Author of the Paper which was delivered at the Board by the President, and read to Mr. Macpherson. Because we think a Man of the intriguing Disposition which that Paper shews Mr. Macpherson to be, is very unfit to be employed as a Servant of the Company; but more especially, because we believe Mr. Macpherson has been concerned in the Intrigues, which the greater Part of the Board must be sensible have lately been carried on at the Nabob's Durbar, to the Detriment of the Company's Service, and which may have impeded the Execution of their late Orders.

We think, that the peculiar Circumstances of the Case, and the present critical Situation of Affairs, not only render such an Example necessary, but justify the Manner of doing it. Nevertheless, we are fully and clearly of Opinion, that in general, when a Charge may be made against any Servant of the Company, the Mode prescribed in the 20th Article of their printed Regulations to Bengal, bearing Date ought to be strictly adhered to; nor ever deviated from, but when some particular Emergency may require an immediate Example.

Geo. Stratton,  
Henry Brooke,  
Francis Jourdan,  
Geo. Mackay.

Mr. Stratton subscribes to every Part of the foregoing Minute, except referring to the 20th Paragraph of the printed Instructions; for he does not look on them as any ways binding in us; notwithstanding which, he is of Opinion that in Cases where a Charge is wanted to be proved, a sufficient Time should be given to the Party to make his Defence—In the Case of Mr. Macpherson this does not appear to Mr. Stratton any ways necessary; for had not Mr. Macpherson been the Author of the Paper, he was at full Liberty to say so when called upon; but as his Answer implies that he was the Author, Mr. Stratton therefore gave his Assent to the Resolution taken by the Majority of the Board.

Geo. Stratton.

General Sir Robert Fletcher desires that his Opinion may be entered as followeth:

Sir Robert Fletcher cannot consent to the Dismissal of Mr. Macpherson; because he thinks the Case of Mr. Macpherson comes within the 20th Article of the Company's Instructions; a Mode of Proceeding which the Board has not observed.

Rob<sup>t</sup> Fletcher.



## A P P E N D I X, N° 1, 2.

Mr. Palmer dissents from the Resolution of the Majority.

Although Mr. Palmer thinks Mr. Macpherson's Conduct deserving of Censure, yet he cannot but dissent from the Opinion of the Board in dismissing him the Service; as so great a Space of Time has elapsed since the Time of the Transactions of Complaint against him; and that at the Time the Circumstance did happen, Mr. Macpherson was not a Servant of the Company.

Archdale Palmer.

The following Letter being wrote and approved, the Secretary is ordered to send it to Mr. Macpherson.

To Mr. John Macpherson.

Sir,

I am commanded by the Right Honourable the President and Council to acquaint you, that they have thought proper to dismiss you from the Service of the East India Company; and you are hereby dismissed accordingly.

Dated in Fort Saint George, the 23d January 1776.

By Order of the President and Council,

R<sup>d</sup>. Sullivan,

Secretary.

---

## A P P E N D I X, N° 2.

Extract of Fort Saint George Military Consultations, 5th February 1776.

P R E S E N T, as before

R E A D the following Letter from Mr. Macpherson:

My Lord, and Gentlemen,

Choultry Plain, 1st February 1776.

I have received a Letter from Mr. Secretary Sullivan, dated the 23d of January, in which he informs me that you have been pleased to dismiss me from the Service of the Honourable Company.

That a Punishment the severest you could inflict, and so deeply injurious to my Honour and Interest, should precede any Advertisement given me of a Delinquency, cannot but affect me with Astonishment and Concern.

From the Commencement of my Service to the Company, this Government has, till now, distinguished me with Favour, and was often pleased to honour me with Marks of the greatest Confidence. I had every Reason to expect a Continuance of the same Favour under the Administration of the noble Person now at the Head of the Government, whose Character I had long respected and admired.

Considerations of Gratitude and Obedience, founded upon these Circumstances, have induced me for some Days to submit silently to my Dismissal. I thought the Board, if even disregarding of my Situation, would, in Justice to themselves and their Superiors, have ordered me a Copy of their Proceedings against me. I now find that any longer Silence may be prejudicial to me. I consider that my Defence, which, in Justice and Propriety, ought to accompany the Account of my Dismissal, may be frustrated for the present, by the speedy Departure of the Ship now under Dispatch for Europe.

It cannot surely be displeasing to the Honourable Board that I should claim the Privilege of a Defence, though in that Defence must be involved a Complaint of my having been dismissed without a Hearing.

Every Englishman, I hope, believes that a Liberty of Defence and Justification to the Accused, is an established Right under every regular Government, and entirely consonant to the Principles of natural Justice and the common Law of England. The Company, far from precluding their Servants from this Right, have lately and expressly established it to them upon the firmest Basis, in their printed Instructions founded upon an Act of Parliament.

Though you have thought proper to cut me off from every Privilege belonging to a Company's Servant, by the Act which you have been pleased to enforce against me, I have still the Happiness

## A P P E N D I X, N° 2, 3.

to believe, that you have no Intention to deprive me of future Redress. Conscious of Integrity and Fidelity in all my Actions, either as a Subject to His Majesty or a Servant of the Company. I place your Resolution of Dismission entirely to the Account of Misrepresentation or Misunderstanding. It is therefore my most ardent Wish to pursue a Line of Vindication worthy of the Character I profess; open, candid, and liberal. I am not destitute of Personal Friends in England: I might even claim the Honour of ranking among them Names of Weight in the Company and Lustre in the State. It is, at the same Time, my Intention not to drop in private Representation a single Suggestion which I would not wish recorded upon your Consultations. I desire to owe nothing to Favour, but to stand acquitted or condemned upon the Grounds of the Proceedings against me.

In order therefore that I may openly avail myself of the Course of Justice to the Tribunal of the Honourable the Court of Directors, I take the Liberty to request that the Board would inform me by Letter, whether any Accusation has been preferred against me? and if so, what the Nature of that Accusation is, and who is my Accuser?—If informed in the Manner I request upon these Subjects, and upon being furnished with a Copy of the Proceedings against me, I will do myself the Pleasure of transmitting, through the Board, my Vindication and Defence for their Remarks, and for the Judgment of the Honourable Company.

I have the Honour to be,  
My Lord, and Gentlemen,

with very great Respect,

Your most obedient,

and most humble Servant,

John Macpherson.

Ordered, That Mr. Macpherson be furnished with a Copy of the Proceedings against him.

## A P P E N D I X, N° 3.

Case respecting Mr. Macpherson's Dismission, and Mr. Sayer's Opinion thereupon.

**P**LEASE to see the Paper herewith, intituled, "Extracts of Minutes of Consultation, relative to the Dismission of Mr. John Macpherson."

Also his Letter to the Court of Directors.

Also see the Act of Parliament of 13th Geo. III. Cap. 64. respecting the Mode of restoring Servants of the Company who are dismissed for Misbehaviour.

It appears that Mr. Macpherson was not taken into the Company's Service till 9th October 1769; when he was appointed a Writer; and on the 30th of that Month he entered into the usual Covenants with the Company, engaging to serve them for Five Years from the Time of his Arrival at Fort Saint George.

Your Opinion is desired, Whether, if the Company shall see it proper to restore Mr. Macpherson to the Company's Service, it may be done by the Majority of the Court of Directors, or whether it will require a Vote of Three-fourths of the Directors and Three-fourths of the Proprietors, in the Mode prescribed by the Act of Parliament?

I have read Extracts of Minutes of Consultations, relative to the Dismission of Mr. John Macpherson; also his Letter to the Court of Directors.

I think Mr. Macpherson was informally dismissed the Company's Service, and I do not think he can be restored without the Votes of Three-fourths of the Directors and Three-fourths of the Proprietors, under the Act of the 13th of George the Third: And it is worth while considering, if Mr. Macpherson should be restored, whether he is a proper Person to be continued in the Company's Service. He has in my Opinion, too much Connection with the Nabob of Arcot; and when the Company's Interest and Nabob's are opposite, as they will often happen, they will greatly disturb a Man of Honour and Integrity.

C. Sayer.  
11th February 1777.

## A P P E N D I X, N° 4.

C O P Y.

Mr. Wedderburne's Opinion on Mr. Macpherson's Dismission.

**M**R. Macpherson is still in the Company's Service: The Act of the Governor and Council, on the 23d of January 1776, ought to be of no Effect, for they have exceeded their Authority, in proceeding against Mr. Macpherson without a Charge in Writing delivered to him, and Time given to make his Defence to it. The Instructions of the Company, in this Respect, require no more than Reason and Justice demand in all Cases of Censure; it is singular, and but for this Instance, one should have thought it unnecessary to establish so obvious a Principle, as a Matter of positive Regulation; but fortunately the Regulation exists in this Case, and it renders the Act of the Governor and Council not only reverfible, because of the Injustice committed, but void for want of Authority. The Power to difmifs, in the Manner they have done, is not committed to them; and Mr. Macpherson's Cafe requires only a Signification of the Difpleasure of the Directors at fo plain a Breach of the Company's Orders, and Direction to restore to him the Emoluments of his Station, of which he may have been deprived by the irregular Attempt to difmifs him.

(Signed)

Al. Wedderburn.

7th March 1777.

Received from the Chairman, 2d July 1777.

See Par. in Fort Lre. of the 4th Do.

## A P P E N D I X, N° 5.

Extract of a Treaty of perpetual Friendship and Alliance, made at Fort Saint George the 23d Day of February, in the Year 1768, between the East India Company and the Nabob of Arcot of the one Part, and the Great Nabob, Soubah of the Decan, of the other Part.

Article 7. **T**HE exalted and illustrious Emperor Shaw Allum, having been pleased, out of his great Favour and high Esteem for the Nabob Wallau Jau, to give and grant to him and his eldest Son Meyen Ul Mulck Omdetul Omrah, and their Heirs for ever, the Government of the Carnatic Payen Gaut, and the Countries dependent thereon, by his Royal Firmaund, bearing Date the 26th of August 1765, or the 27th of the Moon Zuphur, in the 6th Year of the said Emperor's Reign; and the Nabob Aufuph Jau Nizam ul Mulck, &c. having also, out of his Affection and Regard for the said Nabob Wallau Jau, released him, his Son Meyen Ul Mulck, &c. and their Heirs in Succession for ever, from all Dependence on the Decan, and given him a full Discharge of all Demands past, present, and to come, in the said Carnatic Payen Gaut, by a Sunnud under his Hand and Seal, dated the 12th of November 1766, in Consideration of the said Nabob Wallau Jau having paid the Soubah Five Lacks of Rupees, it is now agreed and acknowledged by the said Aufuph Jau Nizam Ul Mulck, that the said Nabob Wallau Jau, and after him his Son Meyen Ul Mulck, and their Heirs in Succession, shall enjoy for ever, as an Ultimgau or Free Gift, the Government of the Carnatic Payen Gaut in the fullest and amplest Manner; the said Nabob Aufuph Jau promising and engaging not to hold or keep up any Kind of Correspondence with any Person or Persons in the said Carnatic Payen Gaut, or in the Circars before and now ceded to the English Company, except the said Nabob Wallau Jau, or the said English Company, by the Means of their President and Council of Madras; who on their Part, in Conjunction with the said Nabob Wallau Jau, engage likewise not to hold or maintain any Correspondence with any Person or Persons in the Decan, except the Nabob Aufuph Jau, his Dewan, and the Securities whose Names are hereunto subscribed.

Article 8. The Nabob Aufuph Jau, out of his great Regard and Affection, and from other Considerations, having been placed to grant and confer on the Nabob Wallau Jau, and his eldest Son, Meyen Ul Mulck Omdetul Omrah, several Saneds, viz.

## A P P E N D I X, N<sup>o</sup> 5, 6.

An Ultungau Saned, for the Whole of the Carnatic.

An Ultungau Saned, for the Whole of the Purgunnah of Imungundela, with the Gudda of Ghunpoora.

An Ultungau Saned, for the Whole of the Villages of Cathasera, &c.

An Ultungau Saned, for the Killedary of the Fort of Colaur.

An Ultungau Saned for the Whole of the District of Sonedaupe; and a full and ample Saned, containing a Discharge for all Demands, past, present, and future, on account of the Carnatic, &c.

It is hereby agreed, That all and every one of these Saneds shall be regarded equally binding with any other Article of the Treaty, and be as duly observed by the Nabob Aufuph Jau, as if entered here at full Length.

---

## A P P E N D I X, N<sup>o</sup> 6.

Extracts of the Minutes of the Court of Directors, respecting Mr. Macpherson's Appointment to the Supreme Council.

Friday the 24th November 1780.

**I**T being moved,

That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th of December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency;

Resolved, That the Consideration of the said Motion be postponed till Tuesday next the 28th Instant.

Tuesday the 28th November 1780.

The Court, according to their Order of the 24th Instant, taking into Consideration the following Motion then made, viz.

“ That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency; ”

It was moved, and on the Question

Resolved, That the further Consideration of the said Motion be postponed until the Appointment of a Governor of Madras is made by this Court.

Friday 15th December 1780.

The Order of Court of the 28th ultimo, for the Court's proceeding to fill up the Vacancy in the Supreme Council in Bengal, was read: Also,

The following Motion, made the 24th, and deferred till the 28th ultimo; viz.

“ That this Court do enquire into the Conduct of the Company's Servants in Bengal, previous to the 14th December next, the Day fixed for the Appointment of a Member of the Supreme Council at that Presidency. ”

And the Resolution for deferring the Consideration of the said Motion until the Appointment of a Governor of Madras is made by this Court, being likewise read,

The following Motion was made;

“ The Appointment of a Governor of Madras having passed the Court; Resolved, That this Court do proceed to an Enquiry into the Conduct of the Company's Servants in Bengal, previous to the Appointment of a Member of the Supreme Council there. ”

And the Question on the said Motion being put;

It passed in the Affirmative.

A P P E N D I X, N<sup>o</sup> 6.

It was moved, and  
Resolved, That this Court do proceed to appoint a Member of the Council General in Bengal on Wednesday the 3d January next.

At a Court of Directors, held on Wednesday the 3d January 1781.

The Court, according to their Order of the 15th ultimo, proceeding to appoint a Member of the Council General in Bengal ;

And the several Requests of

George Vanfittart, Esquire, and

John Macpherson, Esquire,

to be appointed a Member of the said Council, being read :

It was moved,

To postpone the Consideration of the Appointment of a Member of the Council General in Bengal, until the Conduct of the Servants in that Presidency has been fully investigated.

And the Question on the said Motion being put by the Ballot ;

It passed in the Negative.

The following Papers were then read :

Fort Saint George Consultations, 22d January 1776.

September Letter from D<sup>o</sup>, — 14th February 1776, Pa. 22, 24.

Letter to D<sup>o</sup> — — 4th July 1777, Pa. 56.

A Paper, purporting to be Copy of the Opinion of the Solicitor General, and the Opinion of Mr. Sayer respecting Mr. Macpherson.

The 11th Article of Instructions to the Commissioners, dated the 15th September 1769.

It was then moved, That George Vanfittart, Esquire, be nominated and appointed a Member of the Council General in Bengal.

And the Question on the same being put by the Ballot ;

It passed in the Negative.

A Motion was then made, That Philip Milner Dacres, Esquire, be nominated and appointed a Member of the Council General in Bengal.

And the Question on the same being put by the Ballot ;

It also passed in the Negative.

It was then, on a Motion,

Resolved, by the Ballot, That this Court do nominate and appoint John Macpherson, Esquire, to succeed to the Office in the Council of Fort William, in Bengal, established by the Act of the 13th Year of His present Majesty, and continued by the Two Acts of Parliament of the 19th and 20th Years of His said Majesty, vacant by the Resignation of Richard Barwell, Esquire, if such Nomination shall be approved by His Majesty.

Resolved, That a Memorial and Petition be presented to His Majesty, praying, That His Majesty will be pleased to signify His Consent, under His Majesty's Sign Manual, as is by the said Act required, that John Macpherson, Esquire, may be appointed to succeed to the Office vacant in the said Council by the Resignation of Richard Barwell, Esquire.

Thursday the 4th January 1781. \*

An Instrument nominating and appointing John Macpherson, Esquire, to be one of the Council General at Fort William, in the Vacancy occasioned by the Resignation of Richard Barwell, Esquire, was read, and approved.

Friday 5th January 1781.

Petition to His Majesty, praying his Royal Approbation of the Nomination and Appointment of John Macpherson, Esquire, to be one of the Council General in Bengal, and

The Instrument, nominating and appointing Mr. Macpherson to the said Council, were signed.

Wednesday 10th January 1781. \*

His Majesty's Approbation of the Court's Nomination and Appointment of John Macpherson, Esquire, to be one of the Council in Bengal in the room of Richard Barwell, Esquire, was laid before the Court.

John Manhip, Esquire, now delivered in the following Dissent ; viz.

“ To

A P P E N D I X, N° 6.

“ To the Honourable Court of Directors of the United East India Company.

“ Gentlemen,

“ Whenever I have the Misfortune to differ with any Resolutions of this Court, I find myself  
“ very sensibly mortified; but the Duty I owe my Constituents, obliges me, upon every *important*  
“ Occasion, to leave upon Record my Reasons for such Difference of Opinion; I therefore must  
“ desire Permission to enter this as my Protest against the Two Appointments made on the 3d Instant.  
“ —That which respects Mr. Macpherson’s Succession to the Office in the Council at Bengal, now  
“ vacant, I disapprove of,

“ Because there are many Gentlemen of much superior Rank in the Service upon that Establish-  
“ ment, and in my Opinion equally capable and meritorious, therefore ought to have had the  
“ Preference; for this Reason I was for postponing that Appointment, till the Conduct, now under  
“ Consideration, of the Servants, had been fully investigated.

“ Because, by the Opinion of Charles Sayer, Esquire, our late worthy Counsel, taken the 11th  
“ February 1777, he does not hesitate to lay, that in the Predicament this Gentleman stands, he  
“ cannot be appointed without Three-fourths of the Directors, and the same Number of the Pro-  
“ prietors, under the Act of the 13th George the Third.

“ I remain, with much Deference and Esteem,

“ Queen Square,  
“ 10th January 1781.”

“ Your very obedient humble Servant,  
“ John Manship.”





F O U R T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXII.



---

---

F O U R T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE, &c.

---

The Select Committee appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, with their Observations thereupon, to the House; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

**H**AVING, since their former Report, received the following Papers from the East India House, and as the last Ships of this Year are now under Dispatch for India, they think it necessary to lay the same immediately before the House.

Extract of Bengal Public Consultations, the 7th July 1781.

P R E S E N T;

The Honourable Warren Hastings, Governor General, President,  
and

Edward Wheler, Esquire.

Lieut. General Sir Eyre Coote absent on Service at Fort  
St. George.

The Governor General delivers in the following Minute:

Governor General.

Our Seizure of the Dutch Settlement at Chinsura has brought under the Power of this Government a great Body of People, who are at present not amenable to any Civil Tribunal, the Authority of their former Magistrates having been annihilated by the Conquest; and among these is a very considerable Number of European Foreigners, of different Nations, who do not fall within the Description of Persons subject to the Jurisdiction of the Supreme Court of Judicature, and who cannot,

cannot, without manifest Inconvenience, be rendered amenable to the ordinary Courts of Dewanny Adaulut, or to the Foujedarry Courts.

Natural Justice, and the Honour of the English Nation, always remarkable for the Mildness of its Conquests, and the Equity of its Government, seem to require, that for the Ease and Security of these People, and particularly of the Europeans, a Judge be appointed to distribute Justice at Chinsura, with as little Deviation from those Modes to which the Inhabitants have been accustomed, as their present Circumstances and the Public Welfare will permit.

The Dignity, and perhaps the Safety of Government, demand that he be not one of the People newly subdued, but a British Subject; and for the Ease and Satisfaction of the Suitors in his Court, it is necessary that he have more Knowledge of Jurisprudence, both English and Foreign, than any Gentleman who is not by Profession a Lawyer can be expected to possess.

The Want of such a judicial Magistrate at the French Settlement of Chandernagore, hath not been so much felt as it would be in the more populous and thriving Town of Chinsura: The same Inconvenience however subsists, though fewer Persons are affected by it; and as the French and Dutch Districts are adjacent to each other, it seems to be expedient that they should be united in their Subjection to such a Judicature when it shall be constituted.

It is therefore proposed, That a Court of Civil and Criminal Justice be established at Chinsura, which shall be called "The Court of Justice at Chinsura," and shall have Jurisdiction over that Town and Settlement, and the whole District or Territory thereunto belonging, and also over the Town, Settlement, and District of Chandernagore: That the Criminal Jurisdiction thereof within the District of Chinsura, do extend to such Crimes there committed, and such only as heretofore fell under the Cognizance of the Director, or of the Fiscal, or of some other Dutch Magistrate of that Place: That the Civil Jurisdiction within the same District, do extend to all Causes over which any Court heretofore held by the Dutch Director and Council, or by any one of them, or by any other Magistrate there, had Power to decide: And that in like Manner the Civil and Criminal Jurisdiction, to be exercised by the said Court over Offences committed within the District of Chandernagore, or over Persons living in the said District, or otherwise amenable as belonging thereto, shall be limited by the Civil and Criminal Powers heretofore exercised by the respective Civil and Criminal Magistrates under the French Government.

It is further proposed, That in this Court a single Judge shall preside and distribute Justice, who shall be styled "President of the Court of Justice at Chinsura."

It might not be proper to declare, that Persons holding Offices under the Company, in Chinsura or Chandernagore, shall be liable to be sued in the Court of Justice at Chinsura, because their proper Tribunal is the Supreme Court of Judicature at Calcutta; but it is conceived to be for the Good of the Inhabitants, and it is therefore proposed, That if Complaint be made, by any Person whatsoever, to the President of the said Court of Justice at Chinsura, against any of the Commissaries appointed by this Board, or against any other Civil Officer acting under this Government, in the District of Chinsura or in that of Chandernagore, for any Misbehaviour in the Exercise of his Office, or for any Cause whatsoever arising within either of the said Districts, the said President may, if he shall think fit, receive and hear the said Complaint, and also the Evidence offered in Support thereof, and may, in his Discretion, either dismiss the same or make a Report thereon to this Board; provided always, that he shall make no such Report without first summoning the Party complained against to answer to the Charge, and giving him such an Opportunity to defend himself, if he chooses to make any Defence, as Justice shall require.

Lastly, It is proposed that Sir Robert Chambers be desired to accept the said Office of President of the Court of Justice at Chinsura; and that, on his Acceptance, he be immediately appointed thereto. I am aware that further Regulations will be necessary concerning the Constitution of this Court, and the Mode of Proceeding; but in the framing of these the Board will probably desire the Opinion and Assistance of the Judge after his Appointment.

Agreed, That the foregoing be considered as Resolutions of the Board, and transmitted to the Commissaries for their Information and Guidance; and that a Salary of 3,000 Sicca Rupees per Month be annexed to the Office of President of the Court of Judicature at Chinsura, to be paid by the Commissaries.

Extract of Bengal Public Consultations, the 20th July 1781.

P R E S E N T,

Edward Wheler, Esquire.

The Honourable the Governor General absent on a Visit to the Northern Provinces,

Lieutenant General Sir Eyre Coote absent on Service at Fort Saint George.

Read the following Letter from Sir Robert Chambers:

Honourable Sir, and Sirs,

I think myself very highly honoured by your obliging Offer, communicated to me by your Secretary,

Secretary, of the Office of President of the Court of Justice at Chinsura; an Office which, as it is now constituted by the Resolution of your Honourable Board, requires not only a Knowledge of English Jurisprudence, and of the Manners and Customs of the Natives of Bengal, but also some Acquaintance with the Civil Law, as received by the Dutch and French, and with the municipal Laws of those Nations.

It would ill become me to decline an Employment of Importance to the Public, for which you have been pleased to deem me qualified, and which is properly connected with my Profession: I therefore accept, with Thanks, the Office of President of the Court of Justice at Chinsura, with the Powers annexed to it by your Resolution of the 7th Instant, and subject to such Alterations as you may hereafter think fit to make therein. Whatever may be my own Defects, or the Difficulties of my Station, I shall endeavour to supply those Defects, and surmount those Difficulties, by Diligence, Attention, and Fidelity; not doubting that I shall thereby give Satisfaction to those among whom I am to distribute Justice, and be honoured with your Approbation.

I shall take Care so to adjust the Forms of Proceeding in the Court which I am to hold, and the Times of holding it, that the Purposes of the Establishment may be fully answered, without any Encroachment on the Terms, or other Seasons of Business, in the Supreme Court of Judicature at Fort William.

Fort William,  
9th July 1781.

I have the Honour, &c.  
(Signed) Robert Chambers.

Mr. Wheler delivers in the following Minute:

Sir Robert Chambers having agreed to accept the Office of President of the Court of Justice at Chinsura, as constituted by the Board on the 7th Instant, he is appointed to and confirmed in the said Office; and it is hereby declared, that his Appointment shall be considered as having taken place from that Date.

To prevent any Doubt that might arise concerning the Powers conferred on the said President by the Resolution of this Board on the 7th Instant, it is hereby declared and resolved, That beside the Authority and superintending Power over the Civil Officers of this Government in the Districts of Chinsura and Chandernagore, given to the said President by the said Resolution, he shall and may exercise over the Town, Settlement, and District of Chinsura, and all the Inhabitants thereof, all such Powers and Authorities respecting the Administration of Justice, or the Police and good Order of the said Settlement, as were heretofore enjoyed or exercised by the Director and Council, or any of them, or by the Fiscal, or any other Magistrate under the Dutch Government; that he shall and may exercise over the Town, Settlement, and District of Chandernagore, and the Inhabitants thereof, all such Powers and Authorities respecting the Administration of Justice, or the Police and good Order of the said Settlement, as were heretofore exercised or enjoyed by the French Commandant or Governor, or any other Magistrate appointed by or under the French Government; and that every European and reputed European, not being a British Subject, or otherwise subjected to the Jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, who shall be resident at any Place within these Provinces, other than in Calcutta, or in some of the Factories subordinate thereto, and who would, if the said Settlements of Chinsura and Chandernagore had not been taken by the Arms of Great Britain, have been amenable to any Court of Justice or Magistrate in either of the said Settlements (whether on account of native Allegiance, or for any other Reason) shall be amenable to the Court of Justice at Chinsura, in like Manner as he would have been to such Court or Magistrate, to all Intents and Purposes whatsoever.

Whereas the Town of Baranagur, lately belonging to the Dutch, has been usually by them considered as subordinate to Chinsura, has been in fact subject to the Jurisdiction and Power of the Director, and of the Fiscal, or of some other Magistrate of Chinsura, and may, on account of its Vicinity, conveniently be made amenable to the same Judicature and Authority with that Place; it is therefore Resolved, That the said Town of Baranagur, with the District thereunto belonging, shall be subject to the Jurisdiction of the Court of Justice at Chinsura, newly established; and that the President of the said Court may and shall have and exercise over the said Town and District, and the Inhabitants thereof, the same Jurisdiction, and the same Powers and Authorities, of whatsoever Kind, which he hath and may exercise in the Town, Settlement, and District of Chinsura.

Whereas several of the Judicial Powers now conferred by this Board on the President of the Court of Justice at Chinsura, have for some Time past been exercised within the Town and District of Chandernagore, by an Officer (usually called the Zemindar Jemadar) appointed by this Government since the Capture of that Settlement from the French; which Office is now enjoyed by Mr. Henry Richardson: And whereas it is the Intention of this Board, that the said Officer shall for the future act only as an Assistant to the President of the Court of Justice at Chinsura, in the Preservation of the Peace and good Order of the Town and District of Chandernagore, under the Direction and Controul of the said President: And whereas Mr. George Richard Foley hath lately been appointed Jemadar of Chinsura, for the Purpose of being in like Manner assistant to the said President in the Preservation of the Peace and good Order of the Town and District of Chin-



Chinsura, under the Direction and Controul of the said President: Now it is hereby Resolved and Declared, That the said Two Officers are, and both they and their respective Superiors shall henceforth be, Ministerial Peace Officers; who shall and are hereby required to act under the Orders of the said President, in the Preservation of the Peace and good Order of their respective Districts; that they shall in all Things obey the Directions and Commands of the said President, whether verbal or in Writing, concerning the Performance of the Duties of their respective Offices, or any Matter therewith connected; and that neither of them shall have or exercise any Power or Authority but such as shall be delegated or expressly allowed to them, or either of them, in their respective Districts, by the said President: Provided, That if either of them the said Jemmadars or Peace Officers shall wilfully disobey or neglect to perform any such Command or Direction of the said President as aforesaid, or shall be guilty of any Neglect or Misbehaviour in the Exercise of his Office, he shall be liable to be suspended from his said Office by Order of the said President or the Court of Justice at Chinsura, until the Governor General and Council shall, upon Report to be made to them by the said President, have examined into and determined upon the Matter reported to them.

Resolved, That Mr. Foley, and Mr. Richardson, the Commissaries at Chinsura, Mr. Patterson, the Commissary at Baranagur, and Mr. Malony, Commissary at Chandernagore, be acquainted with the Jurisdiction, Powers, and Authorities conferred on the President of the Court of Justice at Chinsura, by the several Resolutions of this Board, made on the 7th Instant, and on this Day, and with the Appointment of Sir Robert Chambers to the said Office: And that Mr. Foley and Mr. Richardson be directed to wait on Sir Robert Chambers for their Instructions as soon as he shall arrive at Chinsura.

Resolved, That Orders be sent to the Military Officer commanding in Chinsura and Chandernagore, that if the President of the Court of Justice at Chinsura shall at any Time require from him the Assistance of Sepoys for the Preservation of the Peace, or for any other Purpose respecting the Exercise of the said President's Office, he do immediately afford such Assistance, without waiting for any special Order: And also that he do, at all Times when the said President shall be resident in Chinsura or in Chandernagore, supply him with Sentinels, and pay him, as Occasion shall require, such Military Honours as are due to his Rank, and may serve to make him known to the Native Inhabitants as the Chief Magistrate of Chinsura and Chandernagore.

Resolved, That the Commissaries at Chinsura be furnished with a Copy of the above Resolutions, that they be required to deliver forthwith to Sir Robert Chambers, all such Records and Papers as shall have come to their Hands respecting the Office of Fiscal, the Judicial Authority of the late Director and Council, or any other Dutch Magistrate, or respecting in any Manner the Administration of Justice, or of the Police of the Town and District of Chinsura.

Agreed to and Resolved, That the above be considered as Resolutions of the Board.

An Establishment of Officers for European Business at Chinsura, proposed by Sir Robert Chambers.

Total Monthly Salaries,	—	—	Sicca Rupees,	2,426	—
-------------------------	---	---	---------------	-------	---





F I F T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXII.



---

---

F I F T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE, &c.

---

The Select Committee, appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same as it shall appear to them to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

HAVING observed in their former Report that Mr. Francis had, in a Letter to the Court of Directors, which they inserted in the Appendix to that Report, charged that Court, in distinct and unqualified Terms, with little less than an entire Neglect of their Duty in many of its most essential Parts, and in particular with the constant Support of certain of their Servants in an open Disobedience of their Orders, have thought proper to examine Mr. Francis on that Letter, who, attending according to Order, was asked,

Whether his Letter, dated the 12th October, 1780 (see First Report, Appendix, N<sup>o</sup> 8.) was a Letter wrote in the Moment of Resentment, or whether it is a Letter the Result of Reflection, and if he is ready to prove the Charges contained therein? he said, It was written with Deliberation; he did expect that at some Period or other he should be called upon to make good the Contents of it; and that he had already informed the Committee, that he believed he should be able to do so.—The Witness being then desired to explain to the Committee wherein he thought the Court of Directors had suffered their fundamental Principles of Policy to be overset, and their Instructions and Orders to be disobeyed with Impunity? he said, The Principles of Policy which were stated to him at the Time of his Appointment as the fundamental Principles of the Company, and which he found prescribed and established by their General Instructions to the Governor General and Council, and by various other Letters from the Court of Directors to their Presidencies Abroad, all of which were of equal Authority to the Governor General and Council with their Instructions, appear to him to be the following:

The Court of Directors censured and condemned the whole Transaction of the Rohilla War in the strongest Terms; but they never to his Knowledge proceeded to any Punishment or Penalty against those Members of their Government whose Acts they had so condemned.

Nothing can be more particularly expressed than their Declarations and consequent Injunctions to their Servants, not to extend their Territorial Acquisitions, more especially on the Malabar Coast, where they



they say, " That it is their Resolution never to look beyond the Possession of Salset and Bassin, " supposing that could be obtained by Treaty ;" and he begs Leave to refer the Committee to the Letters of the Court of Directors to Bombay, of the 31st of March 1769, and the 12th of April 1775, on the Subject. (Vide Appendix, N° 1, and 2.)

The Committee will find, that the Engagement of the Presidency of Bombay with Ragobah are totally incompatible with these Principles ; but that they have nevertheless received Encouragement from the Court of Directors.

The various Expeditions which have taken Place within these few Years, under Colonel Leslie, Colonel Goddard, Major Popham, and Major Carnac, from Bengal, and under Colonel Egerton on the Malabar Coast, appear to him incompatible with the Company's Orders " never to employ their " Troops in distant Expeditions, or otherwise than in the Defence of their Possessions, or those of " their Allies."

The Negotiation carried on, and Treaties made with the Rana of Gohude, with Moodajee Boosla, the Rajah of Berar, and with Ragobah, are not to be reconciled with the Company's Orders, which are, " To take Care that in all Treaties with the Country Powers, they be so framed as to be neither im- " mediately nor eventually possible to engage the Company in any Disputes with those Powers."

Finally, The Company's declared Resolution " to adhere and keep inviolable the Faith of " Treaties," appears to the Witness to have been disregarded and violated by those Acts of the Go- vernment of Bengal, by which the Provinces of Korah and Allahabad were sold to the late Vizier Sujah Dowla, and the Tribute which the Company had agreed to pay to the King Shah Allum was stopped, because his Right, as well to the Provinces as to the Tribute, was formed on a specific Treaty ; and also by those Acts of the Presidency of Bombay, which produced a Rupture between them and the Maratta Government at Poona, " First in December 1774, when they took Possession " of Salset by Surprize, and again in November 1778, when they marched an Army towards " Poona, for the avowed Purpose of overthrowing a Government from which they never pretended to " have received an Injury of any Kind."

With respect to the Company's Instructions and Orders being disobeyed with Impunity, Mr. Francis stated to the Committee, that Mr. Bristow was dismissed from his Office of Resident with the Nabob of Oude in December 1776 (Vide Appendix, N° 3 (E) ; Mr. Francis Fowke was dismissed at the same Time from the Office of Resident at Benares (Vide Appendix, N° 4 (C) ; and both of them without a Charge or Imputation of any Kind, contrary to the 20th Article of the Company's General Instructions to the Governor General and Council. (Vide Appendix, N° 5.)

Mahomed Reza Cawn was dismissed from his Office of Naib Subah in February 1778 (Vide Ap- pendix, N° 6 (L, M, and N) in which he had been confirmed by the express and particular Orders of the Court of Directors (Vide Appendix, N° 6 (A.) The Committee will find, that those several Acts have been strongly disapproved of and condemned by the Court of Directors ; and that the Persons dismissed have been ordered to be re-instated (Vide Appendix, N° 3 (G), N° 4 (H), and N° 6 (Aa) ; but that those Orders have not been duly carried into Execution. In the extraordinary Case of Mr. Francis Fowke, the Committee will find that Motions in Council were repeatedly made for his Re-instatement, in Obedience to the Company's Orders, first on the 20th of July 1778, and again on the 1st and 5th of April 1779 (Vide Appendix, N° 4 (I, O, and P.) ; and that on both those Occa- sions, Resolutions were taken by the Majority of the Board against those Motions.

The Proceedings of the Governor General and Council of the 31st of August, 9th September, and 2d October 1779, will shew that the Company's Instructions, prescribing Rules concerning military and other Contracts have been disobeyed and set aside in some Instances of very great Importance ; particularly the Contracts for victualling the Army and Fort William, and for sup- plying the Army with Draft and Carriage Bullocks.

The Resolutions of the Governor General and Council of the 12th of April 1779 (Vide Appendix N° 8) granted Allowances to the Commander in Chief, amounting to more than Double what was fixed for him by Act of Parliament as Member of the Council, and by the Court of Directors as Commander in Chief. Appendix N° 9.

Mr. Francis then added, That he had stated the principal Instances of Disobedience of Orders, as have occurred to him, but he does not doubt, that in looking over the Records many others would appear.

The Court of Directors have censured or disapproved of every one of these Acts ; but it is not known to him (the Witness) that the Persons guilty of them have ever suffered any other Penalty beyond that Censure. The Letters from the Court of Directors, which were received during the Time of his Residence in Bengal, are filled with the strongest and most pointed Condemnation of almost every Act of the Governor General and Mr. Barwell, and he begs Leave to quote One Passage out of many, as it shews, in a more particular Manner, the Estimation in which the Court of Direc- tors held those Gentlemen.

In the 53d Paragraph of the Letter from the Court of Directors to the Governor General and Council, of the 28th November 1777, it is said,

" When we consider this Profusion of Expence, we cannot but express our Concern that the Power " of granting away our Property in Perpetuity, should have devolved upon Persons whose Com- " plaisance to the Court (of *Judicature*) has in our Opinion greatly exceeded their Attention to the " Interests of the Company." Vide Appendix N° 10.

To this Mr. Francis begged Leave to add, that the Court of Directors, in their Letter of the 4th

of March 1778 (Vide Appendix, N<sup>o</sup> 10) ordered a Suit to be instituted in the Supreme Court of Judicature against Mr. Barwell; which Order was not carried into Execution, and has not, to his Knowledge, been enforced or taken any further Notice of by the Court of Directors.

Your Committee thinking it necessary to examine Mr. Francis upon the Matters contained in the foregoing Relation, he was asked, What particular Reason did Mr. Hastings assign for acting contrary to the Standing Instructions of the Company, when he engaged in the Maratta War? he said, Mr. Hastings's Reasons in Support of his Measures are stated at large in his Minutes recorded in the Bengal Consultations from January 1778 inclusive. The Witnesses said, That in the Course of their Debates he often urged that these Measures stood in direct Opposition to the Company's fundamental Principles and Instructions, but he does not recollect that any Attention was ever given, or Answer made to that Objection.—And being asked, What Reasons did Mr. Hastings assign for Disobedience of the Company's Orders respecting Mahomed Reza Cawn and Mr. Francis Fowke? he said, The Majority of the Board, then consisting of Mr. Hastings and Mr. Barwell, paid no Attention, as far as he can recollect, to the Company's Orders on these Points; but Mr. Francis begged Leave to refer to the Consultations, of which he pointed out the Dates (Appendix, N<sup>o</sup> 3, 4, and 6): The Declaration made by Two Members of the Council upon an Order for re-instating Mr. Fowke in his Office, which appears in the Consultations of the 20th July 1778 (Appendix, N<sup>o</sup> 4, 1) will shew to the Committee better than he can, on what Principles the Majority then proceeded.

And being further asked, Whether there was any other Proceedings in Council upon this Subject? he said, On the 1st and 5th of April 1779 (which was soon after the Arrival of Sir Eyre Coote) he moved in Council, That the Company's Orders respecting Mr. Fowke should be carried into Execution; a Reference to the Consultation of those Days will shew what was the Event of that Motion (Vide Appendix, N<sup>o</sup> 4 (O and P).—Being asked, What was the Proceeding of the Court of Directors when this Disobedience of their Orders came before them? he said, All that he can recollect is, that they expressed great Surprise, and repeated the Order (Vide Appendix, N<sup>o</sup> 4 (S).—Being asked, At what Interval of Time did that Repetition of the Order arrive in Bengal? he said, Their Orders on the Council General's Proceedings he thinks arrived about the latter End of 1779, but he does not know that the Court of Directors have ever taken Notice of the Council General's subsequent Proceedings of the 1st and 5th of April 1779; that no Orders on these Proceedings had arrived when he left Bengal.—Being asked, What was the Result of the last Orders of the Company? he said, They were not carried into Execution till Three Months after they were received, and when it was done it was not in fact in Obedience to the Company's Orders, but in consequence of his personal Interposition with the Governor General in February or March 1780; and since his (the Witness's) Departure, Mr. Fowke has again been dismissed from the same Office without any Charge or Imputation whatsoever against his Conduct (Appendix, N<sup>o</sup> 4 (U).—And Mr. Francis being asked, What is the Committee to understand by his personal Interposition? he said, On this Point he begs Leave to refer the Committee to the Papers transmitted to the Court of Directors with his Letter of the 12th of October 1780 (Vide Appendix, N<sup>o</sup> 11) and more particularly to his Minute recorded on the 11th September 1780 (Vide Appendix, N<sup>o</sup> 11 (P).—Being asked, Whether the Company repeated their Orders relative to Mahomed Reza Cawn? he said, As soon as they heard of his Dismissal they ordered him to be re-instated, with strong Censure of Mr. Hastings and Mr. Barwell (Vide Appendix, N<sup>o</sup> 6 (A a.) Soon after those Orders were received, in November 1779, he moved for their being carried into Execution; Mr. Barwell having retired from the Board, the Question was carried in the Affirmative; but the next Day the Governor General moved, in the Presence of Mr. Barwell, that those Proceedings should be reconsidered; in consequence of which the First Resolution for obeying the Company's Orders was reversed (Vide Appendix, N<sup>o</sup> 6 (C a D a.) In February 1780 Mahomed Reza Cawn was nevertheless appointed to the Office of Naib Subah (See Appendix, N<sup>o</sup> 6 (I a.)—Being asked, What Reason did the Majority of the Council assign for a Change of their Opinion in the Re-appointment of Mahomed Reza Cawn, which did not exist when they disobeyed the Orders of the Company for his Re-instatement? he said, He thinks it stands as an Act or Resolution of the Board, without any Debate, or Reasons assigned.—And being asked, Whether he could assign any Reasons? he said, He attributed it to the same personal Interposition of his with the Governor General, which he has already alluded to in the Case of Mr. Fowke.—And being again desired to explain to the Committee what he meant by "personal Interposition?" he said, The Papers annexed to his Letter to the Court of Directors, of the 12th of October 1780, (Appendix, N<sup>o</sup> 11.) contains a full Account of the Transactions between Mr. Hastings and him, which began with an Accommodation between Mr. Hastings and him, and ended in personal Difference, of which the Court of Directors have been informed; he therefore begs that the Committee will rather refer to those Papers than to his personal Evidence upon this Question.—And being asked, Whether it was a Part of a private Agreement between him and Mr. Hastings, that Mahomed Reza Cawn, Mr. Fowke, and Mr. Briffow should be re-instated in their former Employments? he said, It was that Mahomed Reza Cawn, and Mr. Fowke should be re-instated; Mr. Briffow was afterwards re-instated in the Office of Resident at Oude, but not exactly in that in which he was before.—And being asked, Whether the Restoration of Mahomed Reza Cawn and Mr. Fowke by that Agreement, was what he meant by "personal Interposition?" he said, It is.—Being asked, What Reasons did the Majority of the Council assign for not obeying the Company's Orders relative to the Contracts mentioned by him? he said, He does not recollect that they assigned any, except that in general the Nature of the Services required Contracts for a longer

longer Duration than One Year. The Arguments used by Mr. Wheler and himself in August and September 1779, against the Contracts then given away by the Board without public Advertisment, were never answered or taken Notice of. In these Arguments Mr. Wheler and he particularly appealed to, and insisted on, the express Orders and Instructions of the Court of Directors in relation to Contracts, and which, as they thought, were entirely disregarded and overset by the Board. —Mr. Francis then being asked, Whether the Court of Directors did approve the Reasons given for Disobedience of their Orders, and reject the Reasons assigned by him and Mr. Wheler, tending to prove that no Inconvenience would arise from Obedience of those Orders? he said, In the Letter of the 23d of December 1778, they entered particularly into the Subject of certain Contracts which had been entered into the Year before by the Majority then existing, and they condemn every Part of the Proceedings of that Majority in those Instances. The new Contracts entered into in 1779, were formed upon the same Principles, but were of much greater Consequence with respect to their Duration and Amount, and were in other Respects of a much more questionable Nature than those which the Court of Directors had already condemned; that when he left Bengal, there had not been Time for the Receipt of any Orders from the Company on the Subject of the latter Contracts— And being asked, Whether the First Contracts were rescinded in consequence of the Disapprobation of the Court of Directors? He said, No.

The Committee then represented to Mr. Francis, that he had in his Letter reproached the Court of Directors with Breach of Promise: He was asked, In what does it consist? to which he said, Principally in not giving to General Clavering, Colonel Monson, and himself, that Support which they encouraged them to expect, and from the constant Approbation of the Court of Directors of their Conduct, and constant Disapprobation of the Conduct of Mr. Hastings and Mr. Barwell, they had Reason to expect from them. In several Instances, some of them of great Moment, they promised them Orders and Regulations by a future Conveyance, which to his Knowledge were never sent. The Witnesses said he should mention Two Instances from Memory.

In their General Letter of December 1778 they appear to have taken into their Consideration, the whole Transaction of Mr. Hastings's Resignation of the Government, and they conclude with saying, "That the Measures which it might be necessary for them to take in consequence thereof, in order to retrieve the Honour of the Company, and to prevent the like Abuse from being practised in future, shall have their earliest and most serious Consideration." Mr. Francis added, That he had never heard of their having at any Time resumed the Subject.

The next Instance Mr. Francis stated, was, That in their Letter of the 18th May 1779, writing of the proposed Alliance with Moodajee Boosla, they say, "As the Subject is important, it shall have an early and impartial Consideration, and our further Sentiments and Orders thereon shall be communicated to you by the Ships which remain to be dispatched." And Mr. Francis said, That when he left Bengal on the 15th December 1780, the Council General had never heard any Thing from the Court of Directors on the Subject.

Mr. Francis being then asked, Whether he knew of any other Instances where the Court of Directors have condemned the Governor General and another Member of the Council, in the Terms described in his Letter, the strongest that ever applied to Men possessing so high a Trust and Station, and who were not instantly divested of both? he said, Yes, many; he cannot refer to them from Memory, but begs Leave to have Time to consult the General Letters.

Mr. Francis being asked, What is the Appointment given to the Governor General and the other Members of the Council, to which he has alluded in his Letter? he said, The Term of five Years, fixed by the Act of Parliament for the Continuance of the Governor General and Council therein named, expired on the 19th October 1779; from that Day to the 13th of November the Council General had no Advice whatever of any new Commission, but they agreed to hold on for the Sake of the Public Service. On the 13th of November the Company's Letters dated in December 1780, were received; One of them enclosed a new Appointment, or Act of Confirmation, by the Authority of the Court of Directors, to the same Persons who then held the Government: And the Witness added, that it is to be remarked, that the Letters of that Date were the most severe against Mr. Hastings and Mr. Barwell, who at the same Instant were continued in the Administration of their Affairs.

Mr. Francis was then asked, At what Period did Sir John Clavering's and his Efforts cease to have Weight enough to preserve the Peace of India, as stated in his Letter? to which he said, By the Death of Colonel Monson in December 1776, the Power of the Government devolved upon the Governor General and Mr. Barwell; however, as long as Sir John Clavering lived, no Innovation was attempted with respect to Measures that might affect the Peace of India; he died about the End of August 1777; in December following, the Presidency of Bombay entered into new Engagements for the Re-instatement of Ragobah at Poona, and in the Beginning of February 1778, the Governor General and Council resolve to send an Army across the Jumma, to traverse India, under the Command of the late Colonel Leslie.

Your Committee not having in this Part of their Inquiry any further Questions to put to Mr. Francis, thought proper to examine Major Scott (Mr. Hastings's Agent) to the same Points; who being asked, Whether Mahomed Reza Cawn was restored to the Office of Naib Subah? he said, He was, he believes, to the Office, as described by the Court of Directors. The Committee then represented to Major Scott, that as Mr. Hastings refused to restore him to that Office by the Orders of the Court

Court of Directors, and asked him, what were Mr. Hastings's Reasons for restoring him to that Office afterwards? to which he said, When Mr. Hastings refused to carry the Orders of the Court of Directors into Execution, no Agreement had been entered into between him and Mr. Francis, Mr. Hastings reasonably supposed, that if Mahomed Reza Cawn had been restored previous to the Agreement, it would have been looked upon as preparatory to Mr. Hastings's Dismission; and he does positively pronounce it would have had that Effect upon the Opinion of the Natives; after the Period that Mr. Hastings refused to execute the Company's Orders, an Agreement was entered into between Mr. Francis and Mr. Hastings; this Agreement, though not the exact Terms of it, was universally known: The first Idea of such an Agreement originated from a Conversation on Public Affairs, which Mr. Ducarell, a Gentleman now in Calcutta, held with him on the Evening of the 25th of December 1779; he communicated that Conversation to Mr. Hastings, who authorized him to tell Mr. Ducarell, for the Information of Mr. Francis, that Mr. Hastings was heartily tired of Controversy, and wished heartily to unite with Mr. Francis, but that there were certain Points which he could not give up; he never could consent to Mr. Bristow's Return to Oude, because it would destroy that Influence which was necessary to conduct the Business of Government; that he had not the smallest personal Objection to Mr. Bristow, and would willingly provide for him in any other Line; that he insisted upon having the Conduct of the Maratta War, because Mr. Francis and Mr. Wheeler had thrown the whole Responsibility upon him, observing, at the same Time, that he earnestly wished to conclude a Peace with the Marattas; he thinks Mr. Hastings then mentioned to him, that the same Reasons which applied to Mr. Bristow, were equally applicable to Mahomed Reza Cawn and Mr. Fowke. He communicated this to Mr. Ducarell. Mr. Hastings and Mr. Francis had several private Conferences together; and Mr. Hastings from Time to Time told him. It was at last agreed, as he understood from Mr. Hastings, that Mr. Bristow was not to go to Oude before the Month of October 1780, it being concluded that by that Period some Orders decisive would arrive from England. He did understand that Mr. Hastings was to have the Conduct of the Maratta War, and that Mr. Fowke and Mahomed Reza Cawn were to be put in Possession of the Places assigned them by the Court of Directors—Being asked, What Tendency the Appointment of Mahomed Reza Cawn, upon an Agreement with Mr. Francis, when the same Thing had been refused to the Orders of the Company, had to contradict an Opinion, that it would have been looked upon as preparatory to Mr. Hastings's Dismission and Mr. Francis's Succession? he said, The Agreement which Mr. Francis entered into with Mr. Hastings was looked upon, and with great Reason, as tantamount to a positive Declaration from Mr. Francis, that he had no immediate Expectation of succeeding to the Government; that he does not know whether Mahomed Reza Cawn is at this Time in Possession of the Office of Naib Subah—And being asked, What was the Reason for restoring Mr. Francis Fowke? he said, It was Part of the Agreement—Being asked, Whether Mr. Fowke is now in Possession of the Office to which he was re-instated? he said, No, he is not; he was removed on the 14th of January 1780—Being asked, For what Offence he was removed? he said, For no Offence, but for the Reasons assigned in Mr. Hastings's Minute, which he has laid before the Committee (Appendix N<sup>o</sup> 4. U)—And being asked, Whether Mr. Hastings does abide by those Reasons? he said, He certainly does—He was then asked, Whether Mr. Fowke was removed by his own Consent, or at his own Desire? he said, No, it was not of his own Desire; but Mr. Hastings did not wish to injure Mr. Fowke, though he thought it necessary for the Public Service to remove him from Benares; the Governor General promised him a Compensation; but he has Reason to believe that Mr. Fowke does not look upon his present Appointment as a Compensation—Being asked, Whether he knows of an Order of the Court of Directors against arbitrary Removal of Servants from their Offices? (Appendix, N<sup>o</sup> 5) he said, He does, there is such an Order; and he is sure no Man living would be less inclined to deviate from that Order than Mr. Hastings, but that there are certain Cases in which it may be necessary; and he added, that he solemnly believed this might be one of them—Being asked, What was the Compensation given to Mr. Fowke? he said, No other but the Provision of Boats, by Agency, from September 1780, and a Salary of a Thousand Rupees a Month from the Day of his Removal until Three Months after that Period—Being asked, If that Salary is annexed to any Office? he said, Not that he knows of—Being asked, Whether the Company's Treasury was in a flourishing State when the Compensations were given for Offices from which Persons were removed without Crime or Incapacity alleged, or otherwise? he said, To the First Part he answers, it was not in a flourishing State, it was in Distress; and to the Second, the Removal of Mr. Fowke without Crime or Incapacity alleged, he begs Leave to say, that Mr. Fowke, as Resident at Benares, appear to him, and certainly, is as an Ambassador at a foreign, though dependent, Court; from that Rajah the Company receive £. 300,000 Sterling a Year; Benares is the Seat of Politics; Vackeels, or Ambassadors, from every Power in India reside constantly there; and whilst Mr. Hastings is charged with the Interests of this Empire in India, it would, in his Opinion, be just as absurd to deprive him of the Power of Nomination of his Ambassador at Benares, as it would be to force on the Ministry in this Country an Ambassador from the Opposition—Major Scott being then asked, To whom are these Vackeels and Ambassadors sent who reside at Benares? he said, They may have occasionally Audiences of the Rajah, but they reside there for the Purpose of giving Intelligence—Being asked, Whether the Ambassadors there have plenipotentiary Powers? he said, He should have said Vackeels, and not Ambassadors; he has not a Doubt, but that there is a Vackeel from Hyder Ally Cawn there, though not publicly known.

Your Committee then asked Major Scott, Whether the Rajah has the Power of making Peace and



and War independent of the Company? he said, No, he has not.—Being asked, If the Resident there has the Receipt of the Tribute? he said, Yes; and transmits it Monthly, in Cash or Bills, to Calcutta.—Being asked, What has the Resident to negotiate at the Court of the Rajah as Ambassador? he said, There may be many Points; he will mention one, which happened a few Years ago: When we received Intelligence of the War with France, Mr. Hastings thought it necessary that the Rajah should contribute to the Expence of the Battalions which were raised on that Account; he paid it for One Year; and it was understood by the Rajah, that Mr. Francis disapproved of this Demand in future; the Rajah positively refused to pay this increased Demand for the next Year, on a Supposition, as it was generally thought, that Mr. Francis was upon the Point of succeeding to the Government; Sir Eyre Coote joined with Mr. Hastings to enforce this Demand, and Two Battalions of Sepoys were marched towards Benares to enforce this Demand, and the Rajah then paid the Money.—Being asked, When this happened? he said, In the Month of July 1779.—Being asked, Whether at the Time of the Removal of Mr. Fowke, the Rajah had refused to pay this extra Demand? he said, He had about a Month before, but it was paid before Mr. Fowke's Removal.—Major Scott was then asked, If it was so improper to nominate Mr. Fowke to an Office of the Nature of an Embassy to a Foreign Court, how came he so to nominate him? he said, It was an Article in the Agreement between him and Mr. Francis.—Being then asked, Does Mr. Hastings consider this Appointment as a Private Agency or as a Public Office held under the Government? he said, A Public, undoubtedly.—Being asked, Whether Mr. Hastings has considered the Resident at Oude in the same Light? he said, Certainly; when Mr. Hastings makes use of the Words "Private Agent," he does not mean that he has any positive Business to transact either at Oude or Benares.—Being then asked, Why he then calls him his Private Agent? he said, Because, as he conceives, all political Correspondence goes through the Channel of the Governor General, and he may make certain Communications through an Agent, which he has called a Private Agent.—Being asked, Whether the Governor General has not, under Colour of that supposed private Agency, refused to submit the Correspondence of that Agency to the Board? he said, He did, because he conceived the Demand of that Correspondence as a personal Insult to himself.—Being asked, Whether this Distinction between Public and Private Agency has not been reprobated by the Court of Directors in the Case of Mr. Middleton? he said, Yes, he believes it has.—And being asked, What particular Reasons existed for the Removal of Mr. Fowke, which did not exist at the Time of his Appointment under the Agreement with Mr. Francis? he said, None that he knew of; but Mr. Hastings was willing to sacrifice much to procure Unanimity at the Council Board.—Being asked, What Nature is the Agency for Boats? he said, Mr. Fowke, as he understands, is to have the Provision for all Boats that may be wanted for the Service of the Army, and he is to draw Fifteen per Cent. he believes, upon his Disbursements.—Being asked, Who advances the Money? he said, The Company.—Being asked, Whether it is considered in Bengal, that a Commissariat for the Supply of the Army is a proper Equivalent for an Office which was in the Nature of an Embassy to a Foreign Court? he said, No, he thinks not.—Being asked, Whether Mr. Fowke was particularly bred to any Business respecting Boats, that made him a proper Person to execute that Branch of the Commissariat, rather than his Office of Resident at Benares? he said, Not that he knows of.—He was then asked, What Reason Mr. Hastings had for altering the Mode of Contract which he had adopted in the Case of Colonel Morgan, to that of Agency, which he had adopted in the Case of Mr. Fowke? he said, He knows of none, but what is mentioned in his Minute; he must undoubtedly have been a better Judge of that Matter than any other Person, from his being the first executive Officer of that Government.—Being asked, How came he then to take the Method of Contract with Colonel Morgan? he said, He believes it was recommended by Sir John Clavering, but he might have had Occasion to alter it himself.—Being asked, Whether Mr. Hastings did at the same Time alter all the other Contracts, and turn them into Agencies as fast as they expired? he said, He really does not know.—Being asked, What Reasons are given for Disobedience of the Company's Orders in the Case of Mr. Bristow? he said, None, but the Reasons contained in Mr. Hastings's Minute when that Subject was under Consideration.—Being asked, How Mr. Hastings came to appoint Mr. Bristow to the Residency of Oude after he had refused to give him that Appointment in Obedience to the Orders of the Company? he said, He never did; he opposed it to the utmost of his Power, assigning his Reasons; but that it was carried against him by the Majority in Council.—Being asked, Whether Mr. Hastings did not remove Mr. Bristow afterwards? he said, No, he did not; but he has received a private Letter from Mr. Hastings, in which he tells him, that he will remove him, and that Mr. Wheeler concurs in the Propriety of it.—Being asked, What Misdemeanor or Delinquency did Mr. Hastings assign for his intended Removal of Mr. Bristow from the Execution of his public Duty? he said, None.—Major Scott was then desired to inform the Committee, What Particulars, in Mr. Bristow's Letter to the Board (Appendix, N° 3. I.) appeared to deserve the Epithets given in Mr. Hastings's Minute, concerning the Capacity and Behaviour of Mr. Bristow? he said, Mr. Bristow's whole Letter is very ill written in point of Language and Argument; this was the general Opinion of every Person who saw it in Calcutta. The Words "Claims grounded upon the "highest Authorities," and, "our Honourable Superiors," are insolent Expressions, when writing to the Supreme Council of India; "accusing the Board of treating him with Neglect," is another; "in order to discharge my Duty to your Honourable Superiors," is another. This is not a Style in which the Supreme Council, or the Members of the former Administration, were addressed, to his

Knowledge. Lord Clive, in his Government, would have sent Mr. Bristow a Prisoner to Europe, in his Opinion, if he had written such a Letter to him. All Mr. Bristow's Friends, and Mr. Wheler in particular, advised him not to give the Letter in to the Board.—Being then asked, In what Manner does Mr. Fowke, as Resident at Benares (his public Conduct being approved of by the Governor General) stand as a Screen between the Rajah and the Government at Calcutta, instead of an Instrument of Controul, as mentioned by the Governor General in his Minute of the 14th of January 1781? (Appendix, N<sup>o</sup> 4. (U.) he said, He has the Pleasure to be intimately acquainted with Mr. Fowke; and knows him to be a very honourable and sensible Man, but he does not believe it would have been possible to have convinced the Rajah that Mr. Fowke was the Man of the Governor's Choice; and therefore he stood as a Screen between the Rajah and the Government, instead of an Instrument of Controul.—Being asked, Why should the Rajah of Benares, and every Chief in Indostan who has Connection with the English Government, consider Mr. Fowke, being the English Resident at Benares, as the Pledge and Foundation of their own Independence? he said, He certainly does not know.—Major Scott was then asked, Whose Representative would the Rajah have supposed Mr. Fowke to be? he said, Mr. Fowke was sent up originally against the Governor General's Inclination; and he thinks the Rajah would have supposed him to have been the Representative of the Party in Council in Opposition to Mr. Hastings.—Being asked, If it was not known throughout the Country, that he was Resident for the British Government? he said, The Rajah and Natives do not think any Thing about the British Government, but they suppose that all Authority is lodged in the Majority of the Council.—Being asked, If the Natives then suffer any Grievance from any Part of the British Government, would they be inclined to look to Great Britain for Redress, or to the Power in Council who might chuse the Resident at Benares? he said, To the Power in Council, he thinks; Three Armenians, as he understood, did come to England to solicit Redress for illegal Imprisonment, and other Hardships they complained of, and he believes they did not obtain Redress equivalent to their Loss of Time and Expences.—Being asked, If it has not been held a prudent Principle of Policy, to strengthen their Attachment to, and Dependence upon the Authority of Great Britain? he said, Yes, he thinks it has been held, and is a prudent Policy.—Major Scott was then asked, If a Person appointed from Great Britain a Representative of the British Nation at any Court in India, is not suffered to hold that Station, does it not necessarily tend to lessen that Dependence? he said, No, not in the least, in his Opinion.—Being asked, What Authority does it then principally teach them to respect? he said, The Authority of the Governor General and Council, or a Majority of them, which they will always respect, and no other.—Being asked, Suppose the same Principles were to prevail amongst the Natives resident in the more immediate Possessions of the Company, would it not tend to alienate their Minds from Great Britain, and fix their Dependence upon those Persons only in the Government in Bengal, who casually possess the Power? he said, Their Dependence in his Opinion can only be placed upon those Persons in Bengal, who casually possess the Power.—Being asked, Upon that Principle, would not the Natives in general be discouraged from all Representation to Great Britain? he said, Yes, certainly; he means the great Body of the People.—Being asked, Whether the personal Approbation of the Governor General gives greater Weight to an Act of Government in India, than a Resolution of a Majority in Council, when in Compliance with Orders from the Court of Directors? he said, He thinks the Court of Directors Orders are not, and ought not to be explained to the Natives; and that the Approbation of the Governor General does give a greater Weight, but it is not necessary by the present Constitution of the Company.—Being asked, Whether the Governor General is not obliged to sign the Orders of the Majority, though he himself should be in the Minority? he said, Yes, he thinks the Governor General is, as he says in his Minute, but he pleads the Precedent of Sir John Clavering not signing some particular Letter, for refusing to sign one himself.—Being asked, If the Rajah of Benares faithfully pays the Tribute according to the Treaty between him and the British Government, what is meant by the Resident being an Instrument of Controul? he said, He does not know.

Your Committee further asked Major Scott, Whether he does not know, that to remove the Servants of the Company from their Stations without Charge or Hearing, is contrary to the Company's Orders? he said, He believes it is.—Being asked, Whether he could assign the Reason why Mr. Hastings did not obey the Orders of the Company for re-instating Mahomed Reza Cawn in his Office of Naib Subah? he said, He could not speak positively; but the Re-instatement of Mahomed Reza Cawn was, he believes, universally in Bengal looked upon as an entire Matter of Party: And the Witness said, he declared, that from Delhi, and from every Part of Indostan dependent upon or connected with Bengal, Reports were industriously circulated, and continually inserted in the Country News papers, that Mr. Hastings was upon the Point of being dismissed from the Government of Bengal, to which Mr. Francis was to succeed: That the Paragraphs in the Company's General Letters were as industriously circulated, which contained Reflections upon the Conduct of Mr. Hastings: That Mr. Hastings, in order to preserve that Portion of Authority which was necessary to conduct the Business of Government, was obliged to adopt Measures which were by no Means agreeable to him. It is upon Record that Mr. Hastings paid a pointed Attention to the Orders of the Court of Directors in the first Three Years of his Government; he had no private Resentment against Mahomed Reza Cawn; and Mahomed Reza Cawn himself has repeatedly declared, that he owed his Life to the Impartiality and the Justice of Mr. Hastings, when Nundcomar accused him of Crimes which, if they had been proved, would have deserved Death.—Being asked, What he means by a Measure of Party? he said, Mahomed Reza Cawn's Re-instatement would have been considered in India as preparatory to Mr. Hastings's Dismissal from the Service



Service—Being asked, Whether those Two Things were connected in the News-papers to which he alluded? he said, He does not immediately recollect that; but he connected them together, and he believes every Body else did—Being asked, Whether it is understood in India that the Governor General is under the Orders of the Court of Directors or not? he said, It is so understood; but they in India suppose the Governor General and Council may dispense with the Orders of the Court of Directors, and they are bound to obey the Governor General and Council only—Being then asked, Why in India it is thought that the Governor General's Obedience to the Orders of the East India Company is connected with or tantamount to a Dismissal from their Service? he said, He does not say so now; but he speaks of a particular Period, and then it would have been thought so—Being asked, Whether at the Time of receiving that Order from the Company, there was any Intimation of their Intentions of removing him from their Service? he said, Not in the General Letter; but he speaks positively, that Copies of Letters, or what was said to be Extracts of Letters from Persons of Power in England, were industriously circulated all over India, saying, that Mr. Hastings would by the next Dispatches be dismissed from the Government, and Mr. Francis appointed Governor General—Mr. Scott was then asked, Whether Mr. Hastings did not, about that Period of Time, actually receive from the Court of Directors a Confirmation of his Authority? he said, He believes he did in the very same Letter which mentioned Mahomed Reza Cawn; and Mr. Hastings, as he well recollects, ordered the Troops at Fort William under Arms, and a Salute to be fired in consequence of this Re-appointment; but he also recollects perfectly well, that this Mark of Honour to Mr. Hastings was opposed by Mr. Francis, and the Re-appointment treated as a mere temporary Measure till the Government could be fixed. The Witness also begged Leave to observe, that near Six Months before the Arrival of this Letter, an Officer (Captain Markwood) arrived in Calcutta over Land from London. He left London on the 27th of March 1779, and brought no Account whatever of Mr. Hastings's Re-appointment to the Government; but the Day after his Arrival, it was said that he had brought a Letter to Mr. Francis from one of the Directors, in which it was positively said he was to be Governor General, and Mr. Hastings dismissed—Being asked, Whether Mr. Hastings's Disobedience of the Orders of the Company had a Tendency to discredit that Report, and to prove to the Company's Servants and to the Natives, that he was to be continued in his Authority by the Court of Directors? he said, To the Natives undoubtedly throughout India, no Man who then served in India but must know it—Being asked, Whether it was usual, upon any Report of a Governor General's Removal, to disobey the positive Orders of the Court of Directors? he said, No; and he will venture to say, that no Governor in India was ever situated as Mr. Hastings was at that Time in Bengal—Being then asked, Whether the Act of Parliament gives any Power to the Governor General and Council of disobeying or suspending the Execution of the Company's Orders, in any Case whatsoever? he said, He does not know; but without such a Power being occasionally exercised, if necessary, he does not see how a distant Country can be governed—Mr. Scott was then asked, Whether the Want of such Power has been stated to the Court of Directors, or to any other Power in England? he said, Not that he knows of.

Being then asked, Whether he means that such a dispensing Power must be exercised upon unforeseen Exigencies of the Government, or upon the Governor's own Opinion of what may affect his Authority in the Minds of others? he said, The Governor's Personal Authority, if he has a Majority of the Council in his Favour, must be preserved in the utmost Extent, in the Opinion of the Natives, or 5000 Men, in his Opinion, could never govern Fifteen Millions—Being then asked, Whether he meant a self-derived or a subordinate Authority? he said, The Governor's Authority is undoubtedly subordinate to the Court of Directors. Mr. Hastings, whenever he has disobeyed the Company's Orders, has stated his Reasons for so doing; if they were not valid, he undoubtedly expected to be dismissed the Service for Disobedience of Orders—Being asked, Why he thinks, whenever there is a Minority in Council who differ in Opinion with the Governor General and a Majority, it becomes a Reason for the Governor General and Majority to disobey the Orders of the Court of Directors? he said, It does not become a Reason in common Cases; but if the Restoration of Mahomed Reza Cawn, the Re-appointment of Mr. Bristow to Oude, and Mr. Fowke to Benares, by the Court of Directors, had been carried into Effect in Bengal, the Natives from Calcutta to Delhi would have deemed those Appointments as preparatory to Mr. Hastings's Dismissal, and Mr. Francis's Promotion to the Office of Governor General of Bengal.

Being asked, Whether by People in Power in India it is thought a sufficient Reason to disobey the Orders of the Company whenever it shall appear to them to be a Step preparatory to their Dismissal? he said, He cannot tell what were the Opinions of Men in Power in general in India; but in these Instances it certainly was Mr. Hastings's—Being asked, Upon what Grounds is it that the Disobedience of the Company's Orders in India is thought to be a Proof that the Governor is to be continued in his Office? he said, The Natives, who only judge from Appearances, suppose he would not have gone to such Lengths, without being sure of Support from Home.

Mr. Scott was then asked, What Inconveniencies would have arisen to the State, from an Opinion of the Natives, that Mr. Hastings was to be dismissed, and Mr. Francis appointed Governor General? he said, A very great one undoubtedly; he has already said, that Five Thousand Europeans can never govern Fifteen Millions of Natives, and the Hands of Government should undoubtedly be strengthened by every possible Means—Being asked, What Distinction he makes between Mr. Hastings being the Governor General and Mr. Francis succeeding to that Office? he said, None at all when Mr. Francis had succeeded to the Government.

Being asked, Whether it is considered as any Diminution of the Authority of the Governor General and Council in India; that the Orders they issue are the Result of the Instructions from the Court of Directors? he said, No, certainly not, in common Cases; but in the Cases alluded to, the Orders of the Court of Directors were industriously circulated amongst the Natives to impress them with an Idea of the Instability of Mr. Hastings's Power, and that they might expect a speedy Removal.

Being asked, What were Mr. Hastings's Reasons for disobeying the Company's Orders for the Restoration of Mr. Francis Fowke? he said, They were contained in Mr. Hastings's Minute, to which he begs Leave to refer (Appendix, N° 4, U)—The Committee then represented to Major Scott, that Mr. Fowke having been a Second Time sent to Benares, and asked him, Whether he can acquaint the Committee, why he was removed from a Station to which he was appointed by the Court of Directors? he said, He begs Leave to lay the Minutes in the Consultations of 14th January 1781, upon that Subject, before the Committee (Vide Appendix, N° 4.)

Your Committee then asked Major Scott, Whether he had any other Justification to offer to them, for the Disobedience of the Orders of the Company in the several Cases of the Contracts, and of Mahomed Reza Cawn, Mr. Bristow, and Mr. Fowke? to which he answered, No.

Your Committee then thought proper to call before them William Devaynes, Esquire, who has passed through the Offices of Chairman and Deputy Chairman of the East India Company, and to examine him upon the Subject of Disobedience of Orders; and

The General Letters from the Court of Directors, of the 14th May 1779, and of the 27th May 1779, respecting the Re-instatement of Mr. Fowke (Appendix, N° 4. R and S) being read to him, he was then asked, What Measures did the Court of Directors take in consequence of their Resolutions contained in the Paragraphs of the above Letters? he said, He does not recollect that they took any Steps whatsoever, taking it for granted that the Orders would be immediately complied with—Being asked, Whether the Court of Directors did not promise and engage to the Council General of Bengal, to take some Measures in consequence of that Disobedience? he said, They did—Being asked, Whether it was from any Experience of the habitual Obedience of the Company's Servants in Bengal, that he took it for granted that the Order would be immediately complied with? he said, No; but from the positive Manner in which it was directed—Being asked, Whether he has not Reason to know that other Orders of the Company, equally positive, had been disobeyed? he said, He thinks several Orders of the Company had been disobeyed, but he does not recollect that any were so positively directed as the Order respecting Mr. Francis Fowke—Being asked, Whether it was finally obeyed? he said, He does not recollect—Being asked, Whether the Minutes of the Consultations of the Governor General and Council are transmitted to the Court of Directors, and read? he said, They are transmitted, and read short—Being asked, Whether when the Matter of those Consultations is important, and concerns the Obedience to their own Orders, it is not the Duty of the Chairman and Deputy to read those Consultations at length? he said, when any Matter of Moment, on which the Court of Directors are to decide, is to be brought forward, the Chairman and Deputy generally have Extracts made of the Business that is to come before them—Being asked, Whether such Extracts were made in this Case? he said, He does not recollect—Being asked, Whether in reading these Consultations he has not seen the Principle of Disobedience avowed and justified? he said, He thinks he has.

Then the Minute of Mr. Barwell, in the Proceedings of the Governor General and Council in their Public Department, of the 1st of April 1779, respecting Mr. Fowke (Appendix, N° 4. O) being read to Mr. Devaynes, he was asked, Whether that Minute, avowing a Principle of Disobedience to the Orders of the Company by the Members of the Council, whenever they thought the Dignity of the Governor General affected by those Orders, did not call for some Proceeding on the Subject by the Directors to vindicate their own Authority? he said, He thinks it did—Being then asked, Whether any such Proceedings were had? he said, He does not know that any Resolution was come to by the Court of Directors in consequence of the Disobedience of Orders, and Avowal of the Principle, though some desultory Conversation did pass upon the Subject—Being asked, Whether there have not been other Acts of Disobedience in Bengal, justified upon a similar Principle? he said, He believes there were other Acts of Disobedience, but he does not know whether they were justified upon a similar Principle—Being asked, Whether he did not understand, that by the Regulating Act of 1773, the Governor General and Council were directed to obey the Orders they were to receive from the Court of Directors? he said, He understands they are—Being asked, Whether it has been usual before that Act passed, for the Company's Servants openly to avow a Principle of Disobedience to the Company's Orders, and to record it on their Consultations? he said, He does not recollect any such Instances—Being asked, Whether after the Court of Directors had expressed their Resentment in very strong Terms against the Disobedience of their Orders in the Case of Mr. Fowke, he did, as Deputy Chairman of that Company, think that the mere Obedience to a repeated Order from the Company, ought to have exempted those who had disobeyed it, from such Reprehension as is due to Disobedience? he said, He thinks the Paragraph of the Letter of the 27th of May 1779, is a Reprehension, and promises something more—Being asked, Whether he can assign any other Reason why the Court of Directors did not proceed according to their Letter of the 27th of May, except what he has expressed in his former Answer? he said, No, he cannot—Being asked, Whether there has not, Year after Year, repeated Censures been sent out by the Court of Directors against certain Acts of the Bengal Government? he said, He believes many—Being asked, Whether the Court of Directors found that these Censures tended to lessen the Principle and Practice of Disobedience in their Servants?

Servants? he said, He does not think it did—Being then asked, Whether he does not think that the Authority and Controul of the Court of Directors is rendered nugatory by such Disobedience? he said, He thinks it is lessened. And being asked, If the British Subjects and Natives in Bengal find that the Orders of the Court of Directors are repeatedly disobeyed, to what Power or Authority does he imagine they will look up? he said, Certainly to the Government there.

Mr. Francis having, in his Evidence before your Committee, stated, That the Company's Instructions and Orders had been disobeyed by the Governor General and Council with Impunity, and in Confirmation of his Evidence, mentioned the Dismission of Mr. Bristow from the Office of Resident with the Nabob of Oude, in December 1776; and that Mr. Francis Fowke was dismissed at the same Time from the Office of Resident at Benares, and both of them without any Charge or Imputation of any Kind, contrary to the Twentieth Article of the Company's General Instructions to the Governor General and Council; Your Committee proceeded to examine into the Conduct of the Governor General and Council, relative to this Disobedience; and they now report to the House the Matter as it appears on the Company's Records.

Your Committee find, in the Proceedings of the Governor General and Council, in their Secret Department, of the 15th of December 1774, (Appendix N° 3. A.) that the Governor General made the following Proposition.

“ As the Commission originally granted to Colonel Galliez was only for a temporary Purpose, and as the Board have already agreed to appoint a Civil Servant of the Company as Resident at the Vizier's Court, the Governor General proposes to the Board, That they should now make this Appointment; as it is evident, that were the Person who may be so appointed to proceed immediately, in case the Vizier complies with Colonel Galliez's Demands, the Colonel's Commission must be expired before the new Resident could arrive there.” Upon which it was agreed,

“ That the Governor General's Proposal be deferred for Consideration until Monday.”

On the 21st of December 1774, (Appendix, N° 3. B.) it was agreed by a Majority of the Board, “ That Mr. Bristow be appointed Resident at the Court of Sujah Dowla.”

In consequence of which, the Governor General and Council, in their Secret Letter to the Court of Directors, of the 4th January 1775, (Appendix, N° 3. D.) Par. 5. say,

“ It having been resolved, that a fixed Resident at the Court of the Vizier should be appointed from the Company's Civil Servants, the Governor General lately thought fit to propose the Honourable Frederick Stuart for that Trust; but the Governor General's Proposition was not agreed to. Mr. Bristow being afterwards proposed by the General, and this Proposal obtaining the Concurrence of the Board, he was appointed accordingly, with a Salary and Allowances similar to what Mr. Middleton enjoyed in the Employment which he held at that Court.”

And your Committee further find, in the Proceedings of the Governor General and Council, in their Secret Department, of the 2d of December 1776, (Appendix N° 3. E.) That the Governor General moved, “ That Mr. John Bristow be recalled from the Court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the Appointment of Resident at that Court.”

General Clavering, in his Minute entered on the Proceedings of that Day, says, “ If the Governor General will think proper to defer his Motion till after the Arrival of the Eagle Packet, which may be now hourly expected, it is more than probable that we shall have further Lights than have been hitherto given to us, of the Sentiments of the Court of Directors, both on Mr. Middleton's Recall, and on Mr. Bristow's Appointment to the Vizier's Court; I would therefore, with the Governor General's Consent, beg Leave to propose, that this Motion be deferred till after the Arrival of that Ship.”

To which the Governor General replies, “ I think it a Duty incumbent on me to adhere to my Motion. I will not take up the Time of the Board by answering the Objections which have been made to it at this Time, having other Questions which I wish to propose immediately, for their Determination.”

After further Arguments it was resolved, “ That the Board do not agree to General Clavering's Proposition, for deferring the Consideration of the Governor General's Motion until the Arrival of the Eagle Packet.”

General Clavering afterwards moves, “ That before the Consent of this Board be obtained for the Appointment of Mr. Nathaniel Middleton to the Vizier's Court, that the Orders, or at least the plain and direct Intentions of the Court of Directors, be complied with.”

Which was resolved in the Negative.

It was then resolved, “ That Mr. John Bristow be recalled to the Presidency from the Court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the Appointment of Resident at that Court, subject to the Orders and Authority of the Governor General and Council, conformably to the Motion of the Governor General.”

In consequence of which, the Governor General and Council transmit to Mr. Bristow the following Letter:

“ Having thought proper to recall you to the Presidency, and to restore Mr. Nathaniel Middleton to the Station of Resident at the Vizier's Court, we direct, that on his Arrival at the said Court, you immediately deliver up to him the Charge of that Appointment, and repair to Calcutta.”

In consequence of the above Proceedings, the Governor General and Council, in their Secret Letter to the Court of Directors, of the 19th of December 1776 (Appendix, N° 3. F.) Par. 5. say,

say, " We beg Leave to refer you to the Consultation of the 2d Instant, for our Proceedings upon a Motion, proposing the Recall of Mr. Bristow from the Vizier's Court, and the Restoration of Mr. Nathaniel Middleton to the Post of Resident at that Court, under the Orders and Authority of the Governor General and Council. The Motion, after some Debate, was carried in the Affirmative, and Mr. Middleton has accordingly been restored to that Appointment."

The Directors of the East India Company, in their General Letter to Bengal, of the 4th of July 1777, (Appendix, N° 3. G.) Par<sup>s</sup>. 11, 12, and 13, say :

Par. 11. " Upon the most careful Perusal of your Proceedings of the 2d of December 1776, relative to the Recall of Mr. Bristow from the Court of the Nabob of Oude, and the Appointment of Mr. Nathaniel Middleton to that Station, we must declare our strongest Disapprobation of the Whole of that Transaction."

Par. 12. " We observe, that the Governor General's Motion for the Recall of Mr. Bristow, includes that for the Restoration of Mr. Nathaniel Middleton ; but as neither of those Measures appear to us necessary, or even justifiable, they cannot receive our Approbation."

Par. 13. " With respect to Mr. Bristow, we find no Shadow of Charge against him ; it appears that he has executed the Orders of the Board to the entire Satisfaction even of those Members of Council who did not concur in his Appointment. You have unanimously recommended him to our Notice ; Attention to your Recommendation has induced us to afford him Marks of our Favour, and to re-annex the Emoluments affixed by you to his Appointment, which had been discontinued by our Order ; and as we must be of Opinion, that a Person of acknowledged Abilities, whose Conduct has thus gained him the Esteem of his Superiors, ought not to be degraded without just Cause ; we do not hesitate to interpose in his Behalf, and therefore direct, That Mr. Bristow do forthwith return to his Station of Resident at Oude, from which he has been so improperly removed."

The Directors also, in their General Letter to Bengal, of the 23d of December 1778 (Appendix, N° 3. H.) Par. 149. say, " We have likewise permitted Mr. John Bristow to return to his Rank in the Service, and to the Station which he held at the Vizier's Court, and to which he was restored by our Order of the 4th of July 1777."

And your Committee find recorded on the Proceedings of the Governor General and Council, in their Public Department, of the 22d of May 1780, the following Letter from Mr. Bristow to the Governor General and Council, of the 1st of May 1780 (Appendix, N° 3. I.)

" Honourable Sir, and Gentlemen,

" I beg Leave to represent to your Honourable Board, that I arrived at the Presidency on the 16th February last. Not having yet been put in Possession of the Office of Resident at the Vizier's Court, in which I had the Honour of being re-instated, agreeable to the Orders of the Court of Directors, dated the 4th of July 1777, and the 23d December 1778, I think it my Duty to address your Honourable Board, with an humble Request to carry the abovesaid Orders into Execution. I make this Application, in consequence of my Solicitations to the different Members of the Board, to move for my Re-instatement, having been repeatedly refused by every Member individually, and it being now incumbent on me to make a public Claim of my Right.

" In Justification of my Conduct, in not having immediately on my Arrival requested to be forthwith put in Possession, I humbly represent that I understood my Re-instatement ought to have been moved by a Member of the Board ; under other Circumstances my Conduct might be deemed premature ; but situated as I am, after Three Months Solicitation in vain, I hope our Honourable Superiors will do me the Justice to consider the Delay in my Application, a Point of Delicacy to your Honourable Board, and no Want of Attachment to them or Zeal for their Service. I have never given my Consent to being held out of my Office, and I mean by this Address to efface any bad Impressions that might be entertained of me, in thus long suspending a Claim grounded upon the highest Authorities.

" I also beg Leave to represent I was removed from my Office the Second of December 1776, after having for Two Years successively received the unanimous Approbation of your Honourable Board. Our Honourable Superiors have since likewise been pleased to favour me with Marks of their Approbation. Notwithstanding which I am treated with Neglect by your Honourable Board, and the Members individually have positively refused to do me the Justice I have every Right to claim. In order to discharge my Duty to our Honourable Superiors, I humbly solicit that it may be recorded upon your Proceedings, I have neither directly nor indirectly consented to my Right having been thus long withheld from me.

" In Justice to Sir Eyre Coote, I take the Liberty of mentioning, that I have the Honour of a Letter from him, under Date the 3d of last Month, in which he declares his Determination of supporting the Orders of the Court of Directors in my Favour.

Fort William,  
1st May, 1780.

I have the Honour, &c.  
(Signed) John Bristow.

In the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 2d of October 1780 (Appendix, N° 3. K) it is recorded as follows :

“ Mr. Francis moves, That the 11th, 12th, and 13th Paragraphs of the Company's General Letter of the 18th July 1777, and the 149th Paragraph of the General Letter of the 23d December 1778, be now read.

“ Read the abovementioned Paragraphs of the Company's General Letters of the 18th July 1777, and 23d December 1778.

“ Mr. Francis moves, That in Obedience to the Company's Orders, Mr. Bristow be forthwith appointed, and directed to return, to his Station of Resident at Oude ; and that Mr. Purling be ordered to deliver over Charge of the Office to Mr. Bristow immediately on his Arrival, and return himself forthwith to the Presidency.

“ Also, that the Governor General be requested to furnish Mr. Bristow with the usual Letter of Credence to the Nabob Vizier.”

And after Debate, the Council deferred the further Consideration of Mr. Francis's Motion until To-morrow Morning.

Accordingly the Governor General and Council, in their Public Department, on the 3d October 1780, (Appendix, N° 3. L) renew the Consideration of Mr. Francis's Minute recorded on Yesterday's Proceedings, and a Minute delivered in by Sir Eyre Coote is as follows :

“ After having created the Board the Trouble of a Second Meeting on the Question which formed the Subject of Yesterday's Debate, and for which I trust its Importance, my own Situation at this Juncture, and my being without any previous Knowledge until I arrived in Town in the Morning, that such a Business was likely to come before us, will plead Excuse ; it is not my Intention to encroach further on their Time by tedious Argument or Discussion.

“ Whilst I am bound in Honour by my Opinion, recorded on the Proceedings of this Board on a former Occasion, to support all Orders received from the Court of Directors subsequent to my Arrival in this Country ; I nevertheless hold it a Duty equally incumbent upon me as a Member of this Administration, appointed under the Authority of an Act of Parliament, and to which Tribunal of the British Constitution we are ultimately responsible for the due Execution of the important Trust committed to our Charge, the Care of the Interests of the English Nation in India, to judge how far in following such Orders I am likely to injure that first Object of our Attention.”

Upon which Mr. Francis's Motion was carried in the Affirmative.

Afterwards the Governor General delivered in the following Minute :

“ I cannot, consistently with what I consider due to the Dignity and Authority of my Public Station, and to my own Character and Feelings as a Man, consent to affix my Signature to the Letters of Credence or Instructions of Mr. Bristow as Resident at the Court of Oude. The Court of Directors, after having, in their first Instructions to this Government, expressly enjoined every Member of the Board, not only to be guided by the Voice of the Majority, but also to subscribe to all Letters, Orders, Acts, and Measures, resulting from the Decisions of such Majority, have since thought proper to compliment General Clavering and Mr. Francis upon their Departure from this Rule in Instances where their Sentiments have not accorded with those of the other Members of the Board. This will be a Justification to me in the Resolution I have taken ; for whatever Law is binding on One Member of the Administration, must certainly be so to the Whole ; and although it is a Latitude I neither approve, or should in general wish to avail myself of, yet in this very particular Instance I trust I shall stand acquitted not only to my Employers, but to the whole World : I must therefore desire that the Board will devise some other Means of notifying Mr. Bristow's Appointment to the Vizier. And as they have thought it incumbent on them, as a Point of official Duty, to receive and put in force an antiquated Order of the Court of Directors in Favour of Mr. Bristow, which, for the Reasons assigned in my Minute of Yesterday, will necessarily be considered by all the Country Powers as a Supercession of my Authority, I am yet willing to hope that the Board will not only listen to, but afford me their Support in a Motion which I shall beg Leave to make, with a View to repair the Injury which I conceive my Public Station has sustained, and avert in some Degree the prejudicial Effects which this Measure cannot fail to produce in our Affairs.

“ I propose that Mr. Bristow's Appointment be limited solely to the Conduct of such Political Negotiations, Correspondence, and Transactions, as this Government may now, or at any future Period, be engaged in with the Vizier, and in no Shape whatever to interfere in any Matters respecting our pecuniary Engagements with his Excellency ; that a separate Agent be appointed by us to that Trust, whose Duty it shall be to receive, collect, and manage the Tunkahs or Assignments which have been, or may hereafter be granted by the Nabob for the Liquidation of the Claims of this Government upon him ; that he be entrusted with the Adjustment of all Accounts relative to these Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to his Excellency's own Military Establishment under British Officers, &c. remitting the Residue of his Collections immediately to us ; and that he be directly amenable to our Authority and Orders, and in no Respect whatever dependent on or connected with the Office of the Resident : And as Mr. Purling cannot continue with a diminished Commission, and as it now becomes more than ever necessary that I should have a Person in Station in those Provinces not only in whom I can confide, but who is publicly known to be attached to me, I propose Mr. Middleton for the above Office ; hoping to meet with the Concurrence and Support of the Board.”



Which Proposition producing a Debate, Sir Eyre Coote said, " I agree to the Governor General's Proposal of the Appointment of Mr. Middleton to the Office mentioned ; not because Mr. Purling may not continue at Lucknow with a diminished Commission, but because Mr. Nathaniel Middleton is a Person publicly known to be attached to the Governor General ; the Necessity of the Times requires an Appearance of that Kind."

Mr. Wheler objected to the Question ; and

Mr. Francis said, " The Office described in the Motion is the same which Mr. Bristow held before, and which has been held since by Mr. Middleton and Mr. Purling. I know no Reason why it should be diminished, and so materially altered when it is given to Mr. Bristow ; I therefore cannot consent to the Proposition ; at the same Time it is a Matter of Indifference to me by whom the Duties proposed to be vested in Mr. Middleton are exercised."

Whereupon the Governor General's Motion was carried in the Affirmative by his Casting Voice ; and

It was Resolved accordingly, " That Mr. Bristow's Appointment be limited solely to the Conduct of such Political Negotiations, Correspondence, and Transactions, as this Government may now, or at any other Period be engaged in with the Vizier ; and that he in no Shape whatever interfere in any Matters respecting our pecuniary Engagements with his Excellency."

It was also Resolved, " That Mr. Nathaniel Middleton be appointed Agent on the Part of this Government for receiving, collecting, and managing the Tunkahs or Assignments which have been, or may hereafter be, granted by the Nabob for the Liquidation of the Claims of this Government upon him ; that he be entrusted with the Adjustment of all Accounts relative to these Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to His Excellency's own Military Establishments under British Officers, &c. remitting the Residue of the Collections immediately to us ; and that he be directly answerable to our Authority and Orders, and in no Respect whatever dependent on or connected with the Office of Resident."

Mr. Francis moves, " That as the Governor General declines signing the Letter of Credence for Mr. Bristow, Mr. Bristow's Appointment may be communicated to Mr. Purling by the Board, with Directions to make it known to the Vizier ;" which was agreed to, and it was ordered, " That Mr. Charles Purling be directed to deliver over Charge of all the Papers of the Office hitherto held by him, which have a Relation to the Office to which Mr. Bristow has been appointed, to Mr. Bristow ; and that he be directed to deliver over Charge to Mr. Nathaniel Middleton of all the Papers and Accounts of the Office hitherto held by him, which have Relation to the Office to which Mr. Middleton is appointed, together with the Balance of Cash in his Hands."

The Governor General and Council, in their Secret Letter from Bengal to the Court of Directors, of the 13th of October 1780 (Appendix N° 3. (P) say, " That a Motion having been made at one of our late Meetings for the Re-appointment of Mr. Bristow to the Office of Resident at the Vizier's Court, agreeable to your Orders of the 4th July 1777, and 23d December 1778 ; and this Question having occasioned some Debate, we beg Leave to refer you to the Proceedings noted in the Margin for every Information we can give you on the Subject of it : Mr. Bristow is appointed Resident at His Excellency's Court for the Purpose of managing and conducting such Political Negotiations, Correspondence, and Transactions, as this Government may now or at any future Period be engaged in with the Vizier ; and Mr. Nathaniel Middleton is appointed to be Agent on the Part of this Government for receiving, collecting, and managing the Tunkahs or Assignments which have been, or may hereafter be granted by the Nabob of Oude for the Liquidation of our Claims upon him ; he is entrusted also with the Adjustment of all Accounts relative to these Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to His Excellency's own Military Establishment under British Officers, and directly amenable to our Authority and Orders."

Conf. 2d  
3d Octobe

And in their General Letter of the 29th of November 1780 (Appendix N° 3. (Q) Par. 48, they say, " The Advices transmitted to you by the Trial Packet will have informed you of a Motion made on the 2d October by Mr. Francis, That Mr. John Bristow be appointed and directed to return to his Station of Resident at Oude ; of the Debates which followed the Motion ; of the Appointment of Mr. Bristow accordingly ; and of the Nomination of Mr. Nathaniel Middleton to be Collector of the Nabob Vizier's Assignments to the Honourable Company : We will not here repeat the Subject, but refer you for a further Explanation of it to our Letter by the Trial abovementioned, and to our Proceedings of the 2d and 3d ultimo."

The Court of Directors, in their General Letter to the Governor General and Council of Bengal, of the 11th of April 1781 (Appendix N° 3. (Q) Par. 15, say, " We trust Mr. Bristow, who concluded the Treaty with Aluf ul Dowlah in June 1775, would arrive in Bengal soon after the Date of your last Consultations ; and as in consequence of our Orders he would also proceed immediately to the Vizier's Court, we entertain the most favourable Expectations of his being able to conciliate the Mind of the Vizier, and to assist him effectually in arranging and restoring his Finances to a more flourishing Condition."

And in order to give the House the fullest Information possible, Your Committee have thought it necessary to subjoin a compleat Copy of the Proceedings respecting Mr. Bristow, in the Appendix, N° 3.

Your



Your Committee then proceeded to examine into the Disobedience of Orders by the Governor General and Council, in the Case of Mr. Francis Fowke; and Your Committee find,

That on the 16th August 1775 (Appendix N° 4. (A) Mr. Francis Fowke was appointed by the Council General to proceed to Benares for the Purposes already resolved on; and it was ordered, That Instructions be prepared for him accordingly, with a Letter of Credence to Rajah Cheyt Sing.

Your Committee find, That on the 2d December 1776 (Appendix, N° 4. (C) the Governor General moved, That Mr. Francis Fowke be recalled from Benares, and his Commission annulled, the express Purposes thereof having been accomplished.

Resolved, That the Motion proposed by the Governor General be carried in the Affirmative.

Your Committee find, That General Clavering, in an Extract of a Letter to the Court of Directors, of the 5th December 1776 (Appendix N° 4. (D) thought it necessary to give an Explanation of his Conduct concerning his Opinion of the Removal of Mr. Bristow from the Post of Resident with the Vizier, and the Recall of Mr. Francis Fowke from Benares.

Your Committee find the following Extract of the Secret Letter from Bengal, 22d December 1776 (Appendix N° 4. (E)

" Par. 6. The Purposes for which Mr. Francis Fowke was appointed to proceed to Rajah Cheyt Sing at Benares, being now fully accomplished, we have annulled his Commission, and ordered him to return to the Presidency."

And your Committee observe, That on the Day after the Date of this Dispatch to the Court of Directors, the Council General, on a Motion made by the Governor General (Appendix N° 4. (F)

" Resolved, That a Civil Servant of the Company be appointed to reside at Benares on the Part of this Government, for the Purpose of transacting any occasional Business which may arise between this Government and the Rajah of Benares."

" Agreed, That Mr. Thomas Graham be nominated to this Office, and that Mr. Daniel Barwell be appointed his Assistant."

And this Resolution was communicated in a Letter to the Court of Directors, dated the 6th January 1777 (Appendix N° 4. (G.)

" Par. 11. We have thought it proper to appoint a Company's Servant to reside at Benares, for the Purpose of transacting any occasional Business that may arise between this Government and Rajah Cheyt Sing. This Appointment has been given to Mr. Thomas Graham; and Mr. D. O. Barwell has been nominated his Assistant."

Your Committee find, That on the 30th January 1778, the Court of Directors thus expressed their Sentiments and Orders to the Council General, concerning the Recall of Mr. Fowke (Appendix N° 4. (H.)

" Par. 65. In your Secret Letter of the 19th of December 1776, you inform us, that the Purposes for which Mr. Francis Fowke was appointed to proceed to Benares being fully accomplished, you had annulled his Commission, and ordered him to the Presidency; but it appears, by your Letter of the 6th January 1777, that in less than Twenty Days you thought proper to appoint Mr. Thomas Graham to reside at Benares, and Mr. Daniel Octavius Barwell to be his Assistant."

" Par. 66. If it were possible to suppose that a Saving to the Company had been your Motive for annulling Mr. Fowke's Commission, we should have approved your Proceedings; but when we find Two Persons appointed immediately afterwards, with Two Salaries, to execute an Office which had been filled with Reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the Emoluments annexed to the Office of Mr. Fowke, we must be of Opinion that Mr. Fowke was removed without just Cause, to make room for Mr. Graham; and that the Addition of Mr. Barwell's Salary is a clear Loss of Three hundred Rupees per Month to the Company."

" Par. 67. As it was not pretended that Mr. Fowke's Conduct had been exceptionable; as he had executed, with the greatest Punctuality and Exactness, the like Office to which you have now appointed Mr. Graham; and as the Dissent of Mr. Francis and the Protest of General Clavering on the Occasion had no Effect, we think it proper to interfere; and therefore direct that Mr. Francis Fowke be immediately re-instated in his Office of Resident and Post-master at Benares. We, however, think proper to declare, That though we mean by this Order to do an Act of public Justice, we by no Means intend it as a Mark of Disapprobation of the Conduct of Mr. Graham, whom we believe to be a very deserving Servant of the Company."

Your Committee find, That on the 20th July, the Sentiments and Orders of the Court of Directors were taken into Consideration by the Council General (Appendix N° 4. (I) And that the House may be enabled to form a Judgment of the Sentiments of the several Members concerning the Obedience due to the Orders of the Court of Directors, Your Committee have entered at large the several Opinions of the Members of the Council General upon this Subject.

" Governor General—I must request that the Board will suspend the Execution of this Order—The Spirit and Intention of it is evident, and publicly known both in England and here. With these Considerations in View, my Consent to the Recall of Mr. Graham would be adequate to my own Resignation of the Service, because it would inflict such a Wound in my Authority and

" Influence,

" Influence, that I could not maintain it. In the Course of a few Days we may expect to hear of the Resolutions which have been taken by our Superiors, and of the Appointments which have been made to fill the Vacancy occasioned in this Government by the Death of the late Sir John Clavering: These will be likewise decisive of my own Situation in the Service. I need not say more to urge the Propriety of suspending the Execution of this Order of the Court of Directors. Mr. Thompson, in his Letter from Marseilles, dated the 18th of April, mentions that a Packet, containing the News of the General's Death, had been dispatched to London from that Port, from His Majesty's Agent there, Seven Days before, and it is probable that the Swallow carried this Intelligence earlier; we may therefore expect that the Caranja, which was to depart from Suez immediately on Receipt of the Confirmation of the War, will bring us those decisive Orders which I look for; and these may arrive To-morrow, or in the Course of a very few Days."

" Mr. Francis—The Court of Directors order Mr. Francis Fowke to be immediately re-instated in his Office.

" To suspend the Execution of such an Order, is to disobey it. In another Part of the same Letter (Par. 41) they say, " We can on no Account permit our Orders to be disobeyed, and our Authority disregarded." When the Company's Orders to me are clear and positive, I do not deem myself at Liberty to withhold my Obedience to them on any Consideration whatever; unless a new Situation of Affairs, unknown to and unforeseen by the Court of Directors, should make it impracticable or dangerous to carry them into Execution: I am therefore against the Motion."

" Mr. Wheler—I am of Opinion that the Order should be immediately carried into Execution."

" Mr. Barwell—While Mr. Hastings is in the Government, the Respect and Dignity of his Station should be supported; in these Sentiments I must decline an Acquiescence in any Order which has a Tendency to bring the Government into Disrepute. As the Company have the Means and the Power of forming their own Administration in India, they may at their Pleasure place whom they please at the Head; but, in my Opinion, they are not authorized to treat a Person in that Post with Indignity."

" Resolved, That the Execution of this Order be suspended."

" Mr. Francis—I beg Leave to enter my Dissent to this Resolution."

Your Committee find, The following Application from Mr. Francis Fowke to the Secretary of the Council, (Appendix, N° 4 J) and his Reply to that Application, (Appendix, N° 4. (K.)

" Sir,

" Calcutta 21st July 1778.

" My Friends in England having transmitted to me a Notification in Form, which they have received, importing, that an Order of the Honourable the Court of Directors, for my instant Re-appointment to the Post of Resident at Benares, was transmitted by the Governor; and a considerable Time being now elapsed since the Receipt of the Packet; I humbly request of the Honourable Board, that I may be informed of any Resolutions which may have passed in consequence of the above Order, and that I may be furnished with a Copy of their Proceedings upon the Subject."

" To Mr. Francis Fowke:

" Sir,

" In consequence of your Address to the Honourable the Governor General and Council, requesting to be informed of any Resolutions which may have passed on the Orders of the Court of Directors respecting you, and to be furnished with a Copy of the Proceedings upon the Subject, I am directed to transmit you the inclosed Extract of the Consultation 20th Instant.

" Council Chamber,

" the 29th July 1778."

And Your Committee find the following Proceedings in the Consultation of 20th July 1778.

" Read the General Letter, dated the 30th January last, received from the Honourable the Court of Directors by the Governor and Ostlerly.

" Par. 64, 65, 66, and 67. Resolved, That the Execution of this Order be suspended."

Your Committee also find a Letter to the Governor General and Council from Mr. Francis Fowke, humbly setting forth to them, the Injury he suffers by their Non-execution of the Company's Orders; and which Letter is inserted in the Appendix (N° 4. (L.)

Your Committee also find the Governor General and Council state the Suspension of their Orders in the following Extract of their Letter of the 17th August 1778, to the Court of Directors (Appendix, N° 4. (M.)

" Par. 25. We have resolved to suspend the Execution of that Part of your Commands, dated 30th January last, which relate to Mr. Francis Fowke; and must beg Leave to refer you to our Records for the Motives which swayed with us in this Instance."

Your Committee find, That on the 1st April 1779, (Appendix, N° 4. (O) Mr. Francis moved, That the 65th, 66th, and 67th Par. of the Company's General Letter of the 30th January 1778, and the Proceedings of the Board of the 20th July 1778, be then read.

SEL. COM. REP. V.

E

After

After various Opinions given by the several Members, Your Committee find, that the Board  
 “ Resolved, That the Decision of the Question proposed by Mr. Francis, be suspended until the  
 “ next Meeting of the Board in this Department.”

Your Committee also find, That on the 5th April 1779, the Board resumed the Consideration  
 of Mr. Francis’s Motion. The several Opinions of the Members will be found in the Appendix,  
 N° 4. (P.) A Negative was put on Mr. Francis’s Motion; and on the 22d of April, the Governor  
 General and Council thus write to the Court of Directors, (Appendix, N° 4. (Q))

“ Par. 12. A Motion was made at one of our Meetings, That the Orders contained in the  
 “ 65th, 66th, and 67th Paragraphs of your General Letter of the 30th January 1778, should be  
 “ carried into Execution: The Question was resolved in the Negative; and we beg Leave to  
 “ refer you to our Proceedings on this Subject for your more particular Information.”

Your Committee find, That on the 27th May 1779, the Court of Directors write to the Go-  
 vernor General and Council, (Appendix, N° 4. (R))

“ Par. 4. In Answer to the 25th Paragraph of your Letter of the 17th August last, respecting  
 “ the Appointment we assigned to Mr. Francis Fowke, we only remark, that as the Consultations  
 “ are not yet before us, we must defer our Decision on the Subject, and hope the Reasons which  
 “ swayed you so far as to induce you to suspend the Execution of a positive and peremptory Or-  
 “ der of the Court of Directors, will be found sufficient to justify your Conduct on that extraor-  
 “ dinary Occasion.”

And Your Committee observe, That on the 27th May 1779, the Court of Directors thus express  
 their Sentiments and Orders, (Appendix, N° 4. S).

“ Par. 40. We have read with Astonishment your formal Resolution to suspend the Execution  
 “ of our Orders relative to Mr. Francis Fowke; your Proceedings at large are now before us.  
 “ We shall take such Measures as appear necessary for preserving the Authority of the Court of  
 “ Directors, and for preventing such Instances of direct and wilful Disobedience in our Servants  
 “ in Time to come. At present we repeat the Commands contained in the 67th Paragraph of  
 “ our Letter of the 30th January 1778, and direct, that they be carried into immediate Exe-  
 “ cution.”

Your Committee find, That on the 27th February 1780, (Appendix, N° 4. (T)) the Governor  
 General and Council, having perused the Company’s Orders of the 27th May 1779,

“ Agreed, That Mr. Francis Fowke be appointed Resident at Benares, in Conformity to the  
 “ Intention of the Court of Directors; and that Mr. Thomas Graham be directed to deliver over  
 “ the Charge of that Office to him on his Arrival there.”

And on the 3d March 1780, Your Committee find the following Paragraph from the Council  
 General to the Court of Directors, (Appendix, N° 4. (U)).

“ Par. 46. We have the Honour to acquaint you, That in Conformity to your last Commands  
 “ of the 27th May 1779, Mr. Francis Fowke has been appointed Resident at Benares, and Mr.  
 “ Thomas Graham recalled from the Station.”

Your Committee also find, That on the 14th January 1781, the following Minute is entered on  
 Consultation by the Governor General, (Appendix, N° 4. (V)).

“ Governor General—While this Government is charged with such extensive Concerns, and  
 “ hath to contend with Difficulties equal perhaps with those in which even the Supreme Admini-  
 “ stration of the British Empire is at this Moment involved, it may at least claim as a Right,  
 “ which, under any other System of Government that hath ever yet existed, would be conferred  
 “ on it as an indispensible Obligation, to employ and exercise the Powers which are inherent in its  
 “ Constitution, and which are immediately necessary to the Support, and eventually to the Ex-  
 “ istence, of those essential Interests which it holds in Charge. On this Principle, I claim the  
 “ Right of nominating the Agent of my own Choice to the Residency of Benares. It is a re-  
 “ presentative Station, and cannot, without a Contradiction, be the Charge of a Man not pre-  
 “ ferably chosen to it by the Members of the actual Government, and holding it by an Authority  
 “ independent of theirs. Speaking for myself alone, it may be sufficient to affirm that Mr.  
 “ Francis Fowke is not my Agent; that I cannot give him my Confidence; that while he con-  
 “ tinues at Benares, he stands as a Screen between the Rajah and this Government, instead of an  
 “ Instrument of Controul; and that the Rajah himself, and every Chief in Indostan, will regard it  
 “ as the Pledge and Foundation of his Independence.

“ To Mr. Fowke himself I have no personal Objection; I approve his Conduct, and esteem his  
 “ Character; and I believe I might depend upon his exact and literal Obedience and Fidelity in the  
 “ Execution of the Functions annexed to it. My Objection is stated above, and it is insuperable.

“ The Person whom I have chosen to succeed him, I consider as standing in the same Degree of  
 “ Confidence and Estimation with Mr. Wheler as myself. I adopted him (if I may so express my-  
 “ self) from his Family and Patronage, and assigned him an Office of the highest Trust near my  
 “ own Person, with Mr. Wheler’s Approbation; and from a Foresight of the Event which has since  
 “ made us the Copartners of this Government, and which suggested to me the Propriety of employing  
 “ such Agents as would be agreeable to him, while they possessed the other Requisites for my own  
 “ Confidence.

“ I therefore think him, on every Consideration, the fittest to fill the Office in question. I there-  
 “ fore move, that Mr. Francis Fowke be immediately removed from the Residency of Benares; and  
 “ that Mr. Markham may be appointed to it in his stead.

“ While

“ While I thus acquit myself of what I conceive to be a Public Duty, it is my Desire at the same Time to indemnify Mr. Fowke from the Consequences personally attending it towards him. I therefore move, That he be at the same Time invested with the Appointment of Agent for all Boats to be employed for the Military Service of this Establishment, with an Allowance of a Commission of 15 per Cent. upon all his Disbursements in this Office; that the executive Charge thereof take Place from the Period of the Expiration of Colonel Morgan’s present Contract; and that till that Time, and for Three Months following it, he be allowed to draw his present Allowance of 1000 Rupees per Month.

“ I propose this Method in Preference to a Contract, because I am convinced from Experience that the Service will be better performed by this Alteration, although it is liable to One material Objection in its natural Influence in his Expences. This is a Defect which can only be corrected by the Probity of the Person who is intrusted with so important a Charge; and I am willing to have it understood as a Proof of the Confidence which I repose in Mr. Fowke, that I have proposed his Appointment, in Opposition to a general Principle, to a Trust so constituted.”

And Your Committee find the following Extract of a Letter from the Council General to the Court of Directors, dated 3d February 1781, (Appendix, N<sup>o</sup> 4 (W.)

“ Mr. Francis Fowke recalled from Benares, and appointed Agent for the Provision of Boats to the Army, after the Expiration of the present Contract. Mr. Markham appointed Resident at Benares.”

Your Committee then examined Sir William James, Bart. a Member of Your Committee, who was Chairman of the East India Company in the Year 1779, upon the same Subject; who being asked, Whether he was Chairman of the East India Company from April 1779 to April 1780? he said, He was—And being asked, Whether he concurred in a Letter to the Governor General and Council of Bengal, of the 14th of May 1779, in which is contained the following Paragraph: “ N<sup>o</sup> 4. In Answer to the 25th Paragraph of your Letter of the 17th of August last, respecting the Appointment we assigned to Mr. Francis Fowke, we only remark, that as the Consultations are not yet before us, we must defer our Decision on the Subject, and hope the Reasons which swayed you, so far as to induce you to suspend the Execution of a positive and peremptory Order of the Court of Directors, will be found sufficient to justify your Conduct on that extraordinary Occasion?” he said, Yes—And being also asked, Whether he did likewise concur in a Letter to the Governor General and Council of Bengal, of the 27th of May 1779, in which is contained the following Paragraph, “ N<sup>o</sup> 40. We have read with Astonishment your formal Resolution to suspend the Execution of our Orders relative to Mr. Francis Fowke; your Proceedings at large are now before us; we shall take such Measures as appear necessary for preserving the Authority of the Court of Directors, and for preventing such Instances of direct and wilful Disobedience in our Servants in Time to come; at present we repeat the Commands contained in the 67th Paragraph of our Letter of the 30th of January 1778, and direct that they be carried into immediate Execution?” he said, On account of a very ill State of Health he was not present at the Writing of that Letter—Being asked, Whether he did not conceive that the Court of Directors at that Period entertained Sentiments of very high Displeasure against the Members of their Council General alluded to in the above Paragraphs? he said, Yes, he conceives they did, on account of Disobedience of Orders—Being asked, Whether it did not appear that such repeated Acts of Disobedience rendered nugatory the Authority of the Court of Directors? he said, No, he certainly did not think so; because, from a Repetition of the Orders, he had no Doubt but they would have conformed and acted in Obedience to them—Being asked, Whether he concurred in the Sentiments which he mentioned to have prevailed in the Court of Directors, on the Subject of Disobedience to their Orders? he said, He did, and felt very great Displeasure himself at their not being complied with, respecting Mr. Fowke—Being asked, Whether the Repetition of Orders has answered his Hopes and Expectations? he said, In Consequence of a Repetition of Orders, he understands Mr. Fowke was appointed to the Office directed by the Court of Directors—Being asked, Whether it appears by the latest Advices from India, that Mr. Fowke is still in that Office? he said, No, he is not—He was then asked, Whether Mr. Fowke has been removed by his own Consent, or promoted to a higher Employment? he said, Not as he knows of—Being asked, Whether Mr. Hastings has informed the Court of Directors, or any of them, that Mr. Fowke is removed from the Office to which they had appointed him? he said, He thinks he has; at least he is certain that it is come to their Knowledge that he is removed—Being asked, Whether that Removal is not a new Act of Disobedience to the Orders of the Directors? he said, Undoubtedly it is departing from their Orders—Being asked, What Measures the Court of Directors have taken since May 1779, to preserve their Authority, and to prevent such Instances of direct and wilful Disobedience in their Servants for the Time to come? he said, He has observed before, that he had no Doubt but from a Repetition of their Orders, that their Servants would act in Obedience to them: The Court of Directors have since written in strong and positive Terms upon many Points, to enforce Obedience to their Orders—Being asked, Whether it was from any Experience of the habitual Obedience of the Company’s Servants in Bengal, that he took it for granted that a Repetition of the Orders would be fully complied with? he said, He cannot say it was; but he had no Idea that Men could continue to persevere in Disobedience of Orders when they had been so severely reprehended for it—Being asked, Whether he had not Reason to know, that other Orders of the Company, equally positive, had been disobeyed? he said, No, he thinks in none so strong as in the Instance of Mr. Fowke—Being asked, Whether he has, in any of the Minutes of Consultation of the Governor General and

and Council, observed, that the Principle of Disobedience has been avowed and justified? he said, So far as suspending the carrying into immediate Execution the Orders of the Company, he has.

Then the Minute of Mr. Barwell recorded in Consultation of the 1st of April 1779 was read; and Sir William James was then asked, Whether that Minute, avowing a Principle of Disobedience to the Orders of the Company by the Members of the Council whenever they thought the Dignity of the Governor General affected by those Proceedings, did not call for some Proceedings upon the Subject by the Directors, to vindicate their own Authority? he said, He thinks it was a Measure highly to be disapproved of—Being asked, Whether any Proceedings were had upon that Subject by the Court of Directors? he said, He does not precisely recollect what was done particularly upon that Subject, but will refer to the Letters that were written in consequence—Being asked, Whether there were not other Acts of Disobedience in Bengal justified upon a similar Principle? he said, He believes there were—Being asked, Whether he does not understand, that by the Regulating Act of 1773, the Governor General and Council of Bengal are directed to obey the Orders which they were to receive from the Court of Directors? he said, Certainly—Being asked, Whether it has not been usual before that Act passed, for the Company's Servants openly to avow a Principle of Disobedience to the Company's Orders, and to record it on their Consultations? he said, He believes not—Being asked, Whether he can assign any other Reason why the Court of Directors did not proceed according to their Letter of the 27th of May, except what he has expressed in his former Answer? he said, He cannot—Being asked, Whether Year after Year repeated Censures have not been sent out by the Court of Directors against certain Acts of the Bengal Government? he said, He believes many—Being asked, Whether the Court of Directors did not find that those Censures tended to lessen the Principle and Practice of Disobedience in their Servants? he said, He does not think that they did—Being asked, If the British Subjects and Natives of Bengal find the Orders of the Court of Directors disobeyed, to what Authority does he think they would look up? he said, He cannot answer that Question, because he cannot conceive that they would consider the Orders of the Court of Directors of no Effect—Being asked, Whether the 40th Paragraph of the General Letter to Bengal of the 27th of May 1779, before set forth, was written without his Knowledge and Approbation? he said, He was so ill at that Time, that he could not attend the India House; nor is he certain whether that Letter was brought to him for Approbation; if it had, he certainly should have concurred.

And that the House may be better enabled to form a Judgment upon this Matter, Your Committee have thought it necessary to subjoin a compleat Copy of the Proceedings respecting Mr. Fowke in the Appendix, N<sup>o</sup> 4.

The Minute of Mr. Barwell of 20th July 1778, respecting the Re-instatement of Mr. Fowke, contained Sentiments so repugnant to the Obedience due to that Power which by Law he was bound to obey, that Your Committee cannot avoid pointing it out to the Attention of the House, more particularly as in the Course of their Investigation they have found Opinions recorded by Mr. Barwell of a very opposite Nature, and which they now also submit to the House.

It appears by the Consultations of the 27th June 1770, that upon some Difference in Opinion betwixt the President and Members of the Select Committee and of the Council of Bengal, which of those Boards was authorized to carry certain Instructions of the Court of Directors into Execution, that Mr. Barwell, then a Member of the Council of Fort William, proposed the following Question:

How far is every Member of the Board responsible for Orders transmitted by the Court of Directors to the Governor and Council? or, in what Degree reprehensible for acquiescing in an Authority assumed by the Select Committee to debate upon the Propriety of enforcing, or not enforcing, the said Orders?

Mr. Barwell's Opinion is, that Orders from Masters to Servants, imply an Expectation of Obedience. That Servants will be deemed blameworthy, should Complaisance to Fellow-Servants induce them to refer the Execution of the Company's Orders to Persons not intrusted therewith by the Company.

Mr. Barwell's Minute of the 20th July 1778, upon the Governor General's Motion to suspend the Orders of the Court of Directors relative to Mr. Fowkes's Appointment to Benares.

While Mr. Hastings is in the Government, the Respect and Dignity of his Station should be supported; in these Sentiments I must decline an Acquiescence in any Order which has a Tendency to bring the Government into Disrepute. As the Company have the Means and the Power of forming their own Administration in India, they may at their Pleasure place whom they please at the Head; but, in my Opinion, they are not authorized to treat a Person in that Post with Indignity.

In the same Consultation, Mr. Barwell proposed a Third Question, Whether the Board ought to act conformably to what appears to be the Intention of the Company, which Intention, he observes, is too strongly pointed out for the Board to mistake it?

Mr.



Mr. Barwell is of Opinion, that it is the Duty of the Board to fulfil the Company's Expectations, and not to object against the Mode by which they are expressed.

Your Committee find, That the Court of Directors thought the Reasoning of Mr. Barwell, in the Year 1770, upon the Subject of the Obedience due to their Orders, to be so just, that they manifested the severest Marks of their Resentment against their President of Fort William, John Cartier, Esquire, by removing him from his Government, because he had suspended the Execution of their Orders until the Arrival of expected Advices from England; they also dismissed Richard Becher, Esquire, one of the Members of their Select Committee; and degraded Claud Russell, and Charles Floyer, Esquires, Two other Members of the said Committee, for the same Offence, by sending them to Fort Saint George.

Your Committee then examined Sir William James, Baronet, a Member of Your Committee, concerning the Dismission of Servants of the Company for Disobedience of Orders, previous to the Regulating Act of 1773; who being asked, Whether he was in the Direction before the Regulating Act of 1773? said, He was—And being asked, Whether at that Time Acts of Disobedience to the Orders of the Court of Directors were followed by any Marks of their Resentment? he said, He believes the Directors conducted themselves in such a Manner, as to prove their Authority in the good Government of their Servants Abroad—Being asked, Whether Mr. Cartier, the Predecessor of Mr. Hastings in the Government of Bengal, was not dismissed from his Station for retarding the Execution of the Company's Orders? he said, Yes—Being asked, Whether Mr. Becher, one of the Members of the Council, was not dismissed at the same Time, and for the same Cause? he said, He thinks he was—Being asked, Whether Messrs. Russell and Floyer were not removed from their Seats, as Counsellors at Fort William and Members of the Select Committee there, and ordered to a subordinate Rank on the Madras Establishment, for the same Offence? he said, He cannot say positively as to their Rank, but they were ordered from Bengal to Fort Saint George—Being asked, Whether he recollects what were the Orders, the Execution of which were retarded by the above-mentioned Gentlemen? he said, He cannot exactly recollect them—Being asked, Whether Commissioners, appointed by the Company, with extensive Powers, were not at that Time on their Passage to India? he said, They were—Being asked, Whether he conceives that any very material Prejudice would have arisen to the State, by retarding the Execution of those Orders until the Arrival of the expected Commissioners, or until the Orders of the Company should arrive, as they were expected in the Course of Three Months? he said, He believes it was so considered by the Court of Directors—Being asked, Whether there was not then a Dispute between the Select Committee at Bengal and the Council at large, concerning the Powers of the Committee? he said, Yes—Being asked, Whether it was not a Contention between them, by whose Authority the Orders of the Company should be carried into Execution? he said, He believes it was—Being asked, Whether the Court of Directors did consider the Delay in the Execution of their Orders, as a wilful and intentional Disobedience, or how otherwise? he said, They considered it as a Disobedience—Being asked, In what Light did the Court of Directors consider the general Character and Conduct of their Governor, Mr. Cartier? he said, His Opinion of him is contained in a Letter dated the 5th of April 1771 (Appendix, N<sup>o</sup> 12)—Being asked, Whether that single Act of Disobedience was not the Cause assigned for his Removal, notwithstanding the general Goodness of his Character, and Length of Services? he said, He believes it so appears by the Letter alluded to.

And in order to shew the House that Mr. Cartier was a Servant in high Estimation with the Directors, and that he was dismissed for this single Act of Disobedience, the Committee have inserted the following Orders of the Court of Directors, dated the 25th April 1771, to the President and Council of Fort William:

"We are truly sorry, after having entertained the highest Opinion of the Abilities and good Conduct of our President, Mr. Cartier, that he should in any Shape incur our Displeasure; but we cannot pass over his late Conduct, in joining in a Resolution to retard the Execution of our Orders, which if they had been vigorously enforced would, we cannot doubt, have tended much to the public Welfare, and reflected Honour on every Individual who might have had the Execution of them. We therefore direct that Mr. Cartier do continue in the Government of our Presidency of Fort William till the Departure of the last Ship of the Season for Europe after the Arrival of Mr. Hastings in Bengal, on or before which Time it is our Pleasure that Mr. Cartier do resign that Government to Mr. Hastings."

And that the House may be enabled to form a complete Judgment of the Sentiments of the Directors of the East India Company, upon this Point, Your Committee refer them to the Appendix, N<sup>o</sup> 12.

Mr. Francis, in his Evidence, having stated to the Committee that Mahomed Reza Cawn was dismissed by the Governor General and Council from his Office of Naib Soubah in February 1778, in which he had been confirmed by the express and particular Orders of the Court of Directors; and that this Act had been strongly disapproved of and condemned by the Court of Directors, who had ordered him to be re-instated in his Office; Your Committee thought it their Duty to examine into the whole Proceedings on this Subject.



They find, that in the 46th Paragraph of the General Letter to Bengal of the 3d March 1775 (Appendix, N° 6. (A)) the Court of Directors give the following Orders:

“ The Conduct of Nundcomar, in the Part he has taken against Mahomed Reza Cawn, appears to us so very inconsistent and unworthy, that we feel a Repugnance to the Continuance of his Son in the high Office of Roy Royan of the Province. And as the Acquittal of Mahomed Reza Cawn warrants us again to employ him, we direct that, if he can with Propriety accept of that Office under the Regulations and Restrictions established by our President and Council, and with the salary granted to Rajah Gourda's for executing the same, he be forthwith appointed thereto, and receive a proper Khelaut, and such other Marks of Distinction as are usually conferred on Natives on like Occasions. *We mean not by this Appointment to restore Mahomed Reza Cawn to any improper Degree of Power, but merely to testify our Satisfaction on finding his former Conduct has been so much better than we expected.*”

When these Orders arrived in India, there was a Difference of Opinion among the Council General, in what Point of View they should be considered; and the following is extracted from a Minute signed by Messrs. Clavering, Monson, and Francis, and entered on Consultation of the 18th October 1775 (Appendix, N° 6. (C)).

“ It is now the clear unquestionable Determination of the Court of Directors to support an sensible and active Power in the Country Government. The Nabob himself, from Youth, Inexperience, and the total Neglect of his Education, is incapable of exercising this Power. The executive Authority of the Nazim must be delegated to a Minister; who, acting in his Master's Name, may nevertheless be sensible that he owes his Appointment solely to our Recommendation, and that his Continuance in Office depends upon his Attachment and Gratitude to the Company.

“ We are convinced there is no Man in the Provinces in every Respect so well qualified for this important Post, as Mahomed Reza Cawn; and we think the Declarations now made in his Favour by the Court of Directors entitle us to replace him in it.

“ We offer it therefore as our Opinion, that the Board should recommend him to the Nabob to be Minister of the Government and Guardian of his Highness's Minority, with Authority to transact the political Affairs of the Sircar. He should be intrusted to superintend the Nabob's Education, to chuse proper Servants and Companions for him, and to endeavour to recover him from the dishonourable State of Ignorance and Dissipation in which we fear he is still immersed. He should be particularly impowered and directed to reduce and regulate the Expences of the Nabob's Household in such a Manner as to enable him to extricate his Highness from his Debts and Incumbrances, without calling upon the Company for an Increase of his present Income.”

And on the same Day the Governor General delivered in a Minute as follows:

“ I dissent from every Resolution of the Majority, as contradictory to the Orders of the Company, and inconsistent even from those which they are possessed to carry into Execution; and I hereby enter my Protest against them, and all the Consequences which may ensue from them. I have too much to say upon the Subject to be dictated in a verbal Minute at this Board; I will deliver in my Reasons in Writing at another Time. I meant to have contented myself with this short Dissent to the Resolutions already formed, conceiving my Opinion to be unnecessary, and precluded from any possible Effect by those Resolutions; understanding, of course, the Recommendations of the Majority delivered in so formal and decided a Manner as the Resolutions of the Board: But as I perceive that it is expected of me to give an Opinion in the Terms of my own Question, I will comply with the Form required of me in a few Words. It is my Opinion, then, that the Company's Orders require that Rajah Gourda's should be removed from the Appointment which was granted to him under the Sanction of the last Administration, and, a fortiori, from every Addition since made to it; and that Mahomed Reza Cawn be appointed Dewan to the Nabob's Household in his Stead.”

And Your Committee find the Council General then came to the following Resolution:

“ Resolved, That the Board recommend Mahomed Reza Cawn to the Nabob, to be Minister of the Government and Guardian of his Minority, with the Powers and Authorities as described in the Minute delivered in by General Clavering, Colonel Monson, and Mr. Francis.”

And it was Ordered, “ That the Secretary acquaint Mahomed Reza Cawn, that the Honourable the Court of Directors have been pleased to approve of the Proceedings of the late Board, on the Investigation of his Conduct, by which he was acquitted of the Accusations laid to his Charge, excepting the Amount due to the Company on Account of the Dacca Revenues, which Sum, however, they have suspended their Claim to, in Consideration of the Inconveniencies which he may have suffered during the Time of his Examination; and wishing that he should remain under no Obligation to them than that of Gratitude, they consent to his total Enlargement: And that he be further acquainted, that the honourable the Governor General and Council have therefore been pleased to recommend him to the Nabob Mobarek O' Dowla, to be Naib Soubah, or Minister, of the Sircar, and Guardian of his Minority, with Authority to transact the Political Affairs of the Sircar, to superintend the Fouzdarry Courts, and the Administration of Criminal Justice throughout the Country, and to enforce the Operation of the same on the present Establishment, or to new model and correct it: And as the Board wish that he shall have full Controul of the Officers of the Criminal Courts in the Character of Naib Soubah, they propose to remove the Nizamut Adawlut, now at Calcutta, to be held in future at Moorshedabad.”

Your Committee find on the Secret Consultations of the 30th October 1775 (Appendix, N° 6. (D)) a Copy of a Letter from Mahomed Reza Cawn as follows :

“ On the 23d Shabana (19th October) I received a Letter from Mr. Auriol, the Secretary to the Council, to the following Purport (here he quotes the Secretary's Letter, agreeable to the Board's Resolution of the 18th Instant.)

“ I beg Leave to represent to you, Gentlemen, that from the Time when I was first honoured with an Employment in the Company's Affairs, I never took any Step but for the Interest of the Company; to promote which I exerted myself with so much Assiduity, in Conjunction with the Company's Administration, that in various Instances I gained great Applause. It therefore afforded me the highest Pleasure to hear that the Company approved of the Decree declaring my Innocence, and that they were satisfied of the Injustice of the Accusations falsely laid to my Charge. And as my being again received into Employment will make known the Approbation, and will tend to raise my Character and Reputation, I shall therefore accept, with the greatest Pleasure, an Appointment, which the Governor General and Council having been so kind as to fix on for me, have recommended to the Nabob, Mobareck ul Dowla, to bestow on me: By the Blessing of God, when it is approved, I shall exert my utmost Abilities in the same Manner as I have ever done in the Execution of the Trust. But I beg of you, Gentlemen, to reflect, that considering of my former Salary, Station, and the important Office to be now entrusted to me, the Salary of 2,40,000 Rupees, which you fixed on, is not sufficient to defray the Expences which by the Usage of the Country I must be at. I had also flattered myself, after the extreme Disgrace which I, a faithful Adherent of the Company, had suffered from the false Accusations brought against me, that when the Company were informed of my Innocence and good Character, they would have given me greater Marks of their Favour than they had even formerly done. As you, Gentlemen, have shewn me so much Regard, and engaged so heartily in my Favour, whatever therefore you determine, considering it as for my Interest and Advantage, I shall agree thereto; but I am hopeful, that when you are thoroughly acquainted with the Distresses I have suffered, you will honour me with the same Powers in the Administration of the Affairs of the Sircar as I formerly enjoyed; and thereby enable me to manifest my Fidelity and Attachment to the Company.”

And Your Committee find the following Proceedings recorded in the Consultation of the same Day :

“ Read a Letter from the Nabob Mobarek ul Dowla, approving of the Appointment of Mahomed Reza Cawn, recorded in the Persian Correspondence, and received the 29th Instant.  
“ Agreed that the following Letter be written to Mr. Martin, Resident at the Durbar :

“ Sir,  
“ The Nabob Mobarek ul Dowla having in a Letter to the Governor General signified his Approbation of the Appointment of Mahomed Reza Cawn to be Naib Soubah, which we had recommended to him, we desire that you will obtain from the Nabob a proper Sunnud for the Investiture of his Office, and transmit it to us, that it may be duly presented to him.  
“ We are, &c. &c.

“ Fort William,  
“ 30th October 1775.

“ Warren Hastings,  
“ J. Clavering,  
“ Rich<sup>d</sup> Barwell.”

And Your Committee further find the following Proceedings recorded in the Secret Consultations of the 9th Day of November 1775, (Appendix, N° 6, (F.))

“ The following Letter from the Resident at the Durbar, with its Contents is now communicated to Mahomed Reza Cawn :

“ Gentlemen,  
“ I am favoured with your Letter of the 30th ultimo, and have now the Pleasure of transmitting you the Nabob's Sunnud, confirming the Appointment of Mahomed Reza Cawn to the Superintendancy of the Fougedarry Court of Adawlut. He has however declined giving his Sunnud for the Office of Naib Soubah, as a Thing not customary, and which he informs me was never done by any of his Predecessors; he is nevertheless perfectly satisfied with the Appointment; and if it should be your Pleasure to require such a Grant from him as materially necessary for the Investiture of that Office, I make no Doubt of his ready Compliance.

“ I am, with the greatest Respect, &c.  
“ (Signed)  
“ W. B. Martin,  
“ Resident.”

“ Moorshedabad,  
“ 4th November, 1775.

And also the following Proceedings in the Secret Consultations of the 6th of December 1775, (Appendix, N° 6, (G.))

“ Received

" Received the following Letter from the Resident at the Durbar :

" Gentlemen,

" I have now the Pleasure to acquaint you that Mahomed Reza Cawn, agreeable to his Appointment, has this Day taken Charge of the Nabob's Household, and the Management of his Affairs.

" I remain, &c.

" Moorshedabad,  
" 2d December 1775.

" (Signed)

" W. B. Martin,

" Resident."

Your Committee find on the Secret Consultations of the 7th December 1775, (Appendix, N° 6, (H.)) the Governor General entered a very long Dissent against the Appointment of Mahomed Reza Cawn in Reply to the Minute of Messrs. Clavering, Monson, and Francis, of the 18th October preceding; but there is One Part of this Minute which your Committee recommend most particularly to the Consideration of the House. The Governor General states, that *"all the Acts of Policy cannot conceal the Power by which these Provinces are ruled, nor can all the Arts of Sophistry avail to transfer the Responsibility of them to the Nabob, when it is as visible as the Light of the Sun, that they originate from our own Government; that the Nabob is a mere Pageant, without the Shadow of Authority, and even his most consequential Agents receive their Appointment from the Recommendation of the Company, and the express Nomination of their Servants. Even the Orders of the Court of Directors, of the 28th August 1771, which direct the Appointment of an ostensible Minister to the Nabob, and under which the late Arrangements are professedly formed, appear in the printed Proceedings of the House of Commons, and are open to the View of every Nation in Europe."*

Your Committee find the following Extract of a Minute of Messrs. Clavering, Monson, and Francis, dated the 21st November 1775, and recorded in the Secret Consultations of the 7th of December 1775, (Appendix, N° 6, (I.))

" The Motives on which we have restored Mahomed Reza Cawn to the Office of Naib Soubah, have been clearly explained. To recover the Country Government from the State of Feebleness and Insignificance to which it was Mr. Hastings's avowed Policy to reduce it, was no easy Task. According to the Governor General's Plan, we should have confined the only Man perhaps of real Abilities and extensive Knowledge in the Country, to the unimportant Office of Steward of the Nabob's Household, at a Time when a Minister of the Government was wanted, and when the Administration of Criminal Justice through the Country was at a Stand. The Measure seems to us indispensably necessary, and promises Success. In recommending Mahomed Reza Cawn to his present Post, we presume to think we have rendered an essential Service to the Company."

And they find in the Thirty-fifth Paragraph of the General Letter of the 24th of December 1776, (Appendix, N° 6. (K)) from the Directors to Bengal, a Confirmation of Mahomed Reza Cawn's Appointment as follows :

" The easy Prey which the Nabob has been made to his menial Servants, and their utter Want of Ability, Integrity, and Attention, to render him in any Degree respectable, even in the Eyes of the Natives, are Circumstances that had led us to reconsider our Instructions to our late President and Council respecting Mahomed Reza Cawn. We were always of Opinion, that an able ostensible Minister, during the Minority of the Nabob, would be necessary, and late Events have but too strongly confirmed us in such Opinion : And as the Abilities of Mahomed Reza Cawn have been sufficiently manifested, as official Experience qualifies him for so high a Station in a more eminent Degree than any other Native with whom the Company has been connected ; and as no Proofs of Mal-administration have been established against him, either during the strict Investigation of his Conduct, or since his Retirement ; we cannot, under all Circumstances, but approve your Recommendation of him to the Nabob, to constitute him his Naib : We are well pleased that he has received that Appointment, and authorize you to assure him of our Favour, so long as a firm Attachment to the Interest of the Company, and a proper Discharge of the Duties of his Station, shall render him worthy of our Protection."

In the Bengal Secret Consultations of the 23d July 1778, (Appendix, N° 6. (L.)) Your Committee find, that the Governor General desires that the following Letter from the Nabob Mobarek ul Dowla may be read.

" I have already addressed repeated Letters to your Excellency, stating very fully the Trouble and Uneasiness I suffer from the Nabob Mahomed Reza Cawn's being invested with the Office of the Naibship of the Nizamut, with the Management of the Affairs of the Country, and of the several Offices of my Household, the Administration of the Business of the Adawlut and Phoufdarry within the Soubahs, and of all the Affairs of the Nizamut, as well as of my domestic Concerns, and the Superintendence of myself and Family ; because the said Nabob, regarding only his own Benefit, and the Increase of his Greatness in future, pays no Regard or Attention to my Interest or Advantage.

" The Nabob Mahomed Reza Cawn is neither connected with me by the Ties of near Relationship, nor of sincere Attachment ; that he should be invested with such a Degree of Power, is highly oppressive and dishonourable to my Family. I am now, by the Favour of God, come to Years of Maturity, and to that Age when, by the Precept of our holy Law, and the Usage of

" Maho-

" Mahomedanism, I ought to take Charge and Management of my own Affairs; and by the Blessing of the Almighty, I am not so devoid of Understanding as to be incapable of conducting them. I am therefore hopeful, from your Favour and Regard to Justice, that you will deliver me from the Authority of the aforesaid Nabob, and give your Permission that I take on myself the Management of the Adawlut and Phoudarry of the Soubahs, as well as of my own Household, and of the Business of the Nizamut, which is my Right.

" The Company who have acquired so great Authority in this County, and raised themselves to their present Degree of Greatness and Dominion, are indebted to the Advantages solely to the warm Support of my Ancestors; and you know what Degree of Authority I am at present possessed of. I therefore ask nothing more than my Right; and should the Company, disregarding the Situation and Rights of this Family, refuse their Approbation to my Request, which is perfectly just and right, it will be highly inequitable.

" I am hopeful that, maturely weighing this Matter, your Excellency will give me the Management of the Affairs of the Nizamut, of my own Household, and the Offices attached thereto, together with the Administration of the Adawlut and Phoudarry within the Soubahs, which are my Right. This will be an Act of the highest Justice in the Gentlemen, and will engage my Gratitude, and that of all the helpless Dependents of this Family."

And your Committee find, that upon this Letter being read, the Governor General, notwithstanding the Appointment had received the Sanction of the Court of Directors, entered the following Minute:

" I move that the Opinions of the Members of the Board may be taken, Whether the Requisitions contained in the above Letter shall be complied with, or denied? It is late, nor would it shew the Board to form any decided Resolution upon a Subject of this Nature, without the fullest Deliberation; I desire, therefore, that the Secretary may send the Letter and Question round to the different Members of the Board, that their Opinions may be taken at the next Meeting of Council."

And it was ordered, " That the Letter from the Nabob Mobareck ul Dowla be accordingly circulated with the above Question to the Members of the Board, for their Opinions thereon."

Your Committee find, That in the Secret Bengal Consultations, of 2d March 1778 (Appendix N<sup>o</sup> 6. (M.) the Letter from the Nabob Mobareck ul Dowla, recorded the 23d ultimo, was reconsidered; and that the several Members of the Council then present (Messrs. Wheler, Francis, and the Governor General) delivered Minutes to the Council; which Proceedings Your Committee have thought proper to enter into the Report, as the several Minutes will throw much Light on the Subject.

" Extract of Fort William Secret Consultations, 2d March 1778.

" Reconsidered the Letter from the Nabob Mobareck ul Dowla, received the 12th, and recorded the 23d ultimo.

" Mr. Wheler delivers in the following Minute:

" Mr. Wheler—After having very maturely considered the 40th Paragraph of the General Letter from this Presidency to the Court of Directors, dated the 20th November 1775, particularly that Part of it which mentions the Appointment of Mahomed Reza Cawn to the Naibship of the Nizamut, for the Support of that ostensible and active Power in the Nizamut which the Nabob, from Youth and Neglect of Education, was judged incapable to exercise; and having likewise perused the 35th Paragraph of the General Letter from the Court of Directors, dated 24th December 1776, wherein they highly approve, for the Reasons above quoted, of the Appointment of Mahomed Reza Cawn; I am of Opinion, that the Request now presented to this Board by his Highness, consistently with those Orders, cannot be complied with here; but that it will be proper to submit the same to the Determination of the Court of Directors, together with such Remarks as may serve to apprize them of the Consequence, whether beneficial or otherwise, that may probably result from complying with his Highness's Request. And I am further inclined to this Mode, from a Belief that, although his Highness was under Age when placed under the Guardianship of Mahomed Reza Cawn, it was well known to the Court of Directors that, previous to the Date of their Letter approving Mahomed Reza Cawn's Appointment, or to its Arrival in India, his Highness either had or would shortly attain the Years of Maturity.

" Fort William,

(Signed)

Edw<sup>d</sup>. Wheler."

" 28th February 1778."

" Mr. Francis delivers in a Minute containing his Opinion, as follows:

" Mr. Francis—I could have wished that, before I had been called upon to deliver my Opinion on the present Question, the Merits of it had been stated to us by the Governor General, and regularly debated at the Board. The Institution of a Council supposes a reciprocal Communication of Opinions, and that no Resolutions shall be formed without a previous Debate. Reserving, therefore, to myself the Right of altering or qualifying the Answer I now deliver in, according to the Lights and Information I may receive from the other Members of the Board, I must declare, that I think we have but one Course to pursue.

" The Letter received from the Nabob Mobareck ul Dowla should be referred to the Court of Directors. I do not myself see any one Motive that should press this Government to take upon themselves the hazardous Resolution of complying with the Requisitions contained in it; especially at a Time when Measures of the greatest Importance to the Welfare of India already divide our Councils, and ought to engross our Attention. The Subject is delicate in its Nature, and I wish to speak of it with Caution and Reserve. The Board will consider ~~surely~~ what Consequences the Compliance required of us may lead to; with what Demands upon the Company it may be followed; in what Manner it may affect the internal Government of these Provinces, and how far it may coincide with or embarrass Arrangements at this Moment probably under the Consideration of the Legislature for the permanent Settlement of Bengal.

" With respect to the Removal of Mahomed Reza Cawn, I shall only observe at present, that the Court of Directors have approved of our Recommendation of him to the Nabob, to constitute him his Naib; that they are well-pleased that he has received that Appointment, and that they have authorized us to assure him of their Favour. I trust that no Member of this Board would recommend or approve of the Dismissal of a Man whom the Court of Directors themselves consider as qualified for the high Station he holds, in a more eminent Degree than any other Native with whom the Company has been connected, without their express Authority, or unless some Crime had been proved against him.

" Mr. Wheler and I having delivered our Opinions on the Question brought before the Board by the Governor General, I must request that the Governor will be pleased to favour the Board with his Opinion upon it."

" Governor General—I did not expect that my Opinion would be required until those of the other Members had been regularly taken in Succession; nor was this Day appointed for collecting the Opinions upon the Subject. Mr. Barwell's has not been received; he is absent; I shall therefore decline to give my Opinion at this Day's Consultation, unless the Majority of the Board now assembled shall require it."

" Mr. Francis—On this Day Sevensnight, the Governor General moved, that the Opinions of the Members of the Board might be taken on the Subject of the Nabob's Letter. The Motion states, that their Opinions may be taken at the next Meeting of the Council; and the Question was brought forward again this Day, I presume, with the Governor's Approbation, at least, it was not called for by any other Member of the Board; I believe therefore I am perfectly regular in Point of Form, in requesting his Opinion may follow those of the Members present: I therefore beg Leave to repeat my Request in the Form of a Motion; but am ready if the Governor General approves of it, to put off the Consideration of this Question until this Day Fortnight."

" The Governor General—I desire the Secretary to declare whether he had any Directions from me to bring this Matter before the Board?—This is properly the Consultation following that in which the Question was first brought before the Board; as the Meetings on Thursdays, though held in this Chamber, belong only to the Department of Inspection, and are held by a Summons issued by the Secretary to that Department. It was probably my Intention to have brought on the Question for Decision this Morning, but I apprehend it cannot be done with Regularity, as one of the Members of the Board, whose Opinion, I presume, will be essentially necessary, is at this Time absent. It will rest with the Majority of the Board assembled, to let the Question take its due Course, or to force it to an immediate Decision, subject to a regular Confirmation or Repeal at the next Meeting. I cannot consent to the Compromise proposed by Mr. Francis; it is inconsistent with the Demand for an instant Decision."

" The Secretary begs Leave to acquaint the Board, that he did not receive any Orders whatsoever for bringing on the Consideration of the Nabob's Letter this Morning, but that he introduced it as a Subject depending before the Board in the regular Course of Business."

" Mr. Francis—In proposing to defer the Question to this Day Fortnight, I have explained myself to mean, that we should wait for the Receipt of the Company's Letter now on board one of the Ships at Madras, and which we may probably receive in that Time; since that is not approved by the Governor General, I adhere to my First Motion, being perfectly sure that I proceed not only with the strictest Observance of the Forms of the Board, but with the utmost Candor and Consideration."

" The Governor General—From the Whole which has passed in this Debate, which hitherto has been confined to Mr. Francis and myself, it is very evident that Mr. Francis persists in his Motion on the Presumption of a superior Influence, occasionally over-ruling me at this Day's Meeting, otherwise it is impossible to conceive any Reason why he should insist on an instant Decision of the general Question proposed by me on last Monday, when he at the same Time prefers the Suspension of it for a Fortnight, and the Time in which I would propose to suspend it will necessarily form a Part of that Interval, and of Course come nearer to his own Proposition than an immediate Determination. I forbear to say more upon the Subject; It will rest with Mr. Wheler, to determine whether the original Question shall be determined immediately, or wait until the Assembly of the Board is complete."

" Mr. Francis—If the Board will not unanimously agree to wait for the Receipt of the Company's Instructions, now upon their Way probably to this Place, it is not in my Power to assign a Reason why the Board should not decide the Question now. The Motive imputed to me for  
" urging



" urging such Decision at present, though in fact I have not done so, will, I believe, in the Mind of every impartial Judge, be full as applicable to the Desire intimated by the Governor, that Mr. Barwell's Presence should be waited for. Considerations of that Kind are irregular, and, as I think, not fit to be insisted on of either Side. I beg the Question may be put."

" The Governor General — I believe I know Mr. Barwell's Sentiments upon the general Question as I know Mr. Wheler's; but the Question now before the Board is of a different Nature, and is most undoubtedly an Advantage taken of the present Composition of the Board; it may, however, prove an instructive Experiment, and I shall not be very sorry that it is made. If Mr. Francis knows that the Company's Instructions, which he says are probably now on their Way to this Place, relate to the general Subject now under Consideration, I will readily agree to postpone it; but if he has no such Knowledge, and there is the strongest Reason to believe that they contain nothing which bears the most distant Allusion to it, I know not why I should be required to support the Credit of such a Suggestion."

" Mr. Francis — I am not acquainted with the Contents of the Company's expected Letter; but I do believe, on the Authority of the Court of Directors themselves, expressed in their Letter to the late Sir John Clavering, that it contains some general Arrangements concerning the Affairs of this Country and the Government. They positively promised him to send out such Instructions by their next Dispatches."

" The Governor General — I believe the Court of Directors will regret their ever having given such a Promise, when they know that it has been circulated to every Part of the Provinces, and even beyond the Dominions of our Ally the Nabob of Oude, for the Purpose of weakening the Influence of the present Administration and defeating its Measures: It therefore becomes me, whilst I hold the Place I possess in this Government, to use every Means that may be requisite for obviating the Effects of so dangerous a Policy. This alone would be a sufficient Reason for me to refuse to protract the present or any other Question, until the Arrival of the Company's Orders, on the Supposition that they will contain the Confirmation of a Belief so industriously propagated."

" The Question proposed by Mr. Francis being put,

" Mr. Wheler — Of the Two Propositions made by Mr. Francis, I prefer the postponing the further Consideration of this Question for Fourteen Days; but as that is disapproved by the Governor General, I think it highly necessary that we should come to an immediate Decision, and I only regret that that Decision will probably not be final."

" Governor General — I submit, and shall deliver my Opinion as nearly as I can in the Terms of the Question. It is my Opinion, that the Requisitions contained in the Letter from the Nabob Mobareck ul Dowla, entered in the Consultations of last Monday, be complied with."

" Mr. Francis — I move, that it be resolved, in Conformity to the Opinions of a Majority of the Board, that the Nabob's Letter be referred to the Decision of the Honourable the Court of Directors; and that no Resolution be taken here upon the Subject of the Requisitions contained therein, without their special Orders and Instructions."

" Mr. Wheler agrees.

" Mr. Francis agrees.

" Governor General — I object and protest both against this and the preceding Resolution."

The Board then came to the following Resolution:

" *That the Nabob's Letter, recorded the 23d ultimo, should be referred to the Decision of the Court of Directors; and that no Resolution be taken here upon the Subject of the Requisitions contained therein, without their special Orders and Instructions.*"

Your Committee find that Three Days after this Transaction had passed the Council, that is on the 5th March 1778, the following Proceedings are recorded in the Secret Consultations (Appendix, N<sup>o</sup> 6. (N.))

" Governor General — I move that the Resolution passed in the last Consultation, to wit, That the Nabob's Letter be referred to the Decision of the Honourable the Court of Directors, and that no Resolution be taken here on the Subject of the Requisitions contained therein, without their special Orders and Instructions, be repealed; and that the Question proposed by me in Consultation the 23d ultimo, namely, That the Opinions of the Members of the Board may be taken, whether the Requisitions contained in the Nabob's Letter, recorded in that Day's Proceedings, shall be complied with or denied, may be reconsidered."

" I must here observe, that the preceding Question was in a special Manner referred to the Consideration of every Member of the Board, and that Mr. Barwell's Opinion upon it had not been received at the last Consultation, in which the preceding Resolution was passed. I desire my Minute in which the original Question was proposed, may be entered in this Place."

" Governor General — I move that the Opinions of the Members of the Board may be taken, whether the Requisitions contained in the above Letter shall be complied with or denied? It is late, nor would I wish the Board to form any decided Resolution upon a Subject of this Nature without the fullest Deliberation; I desire therefore that the Secretary may send the Letter and Question round to the different Members of the Board, that their Opinions may be taken at the next Meeting of the Council."

" Mr. Wheler — As the Governor General has assigned no other Reason for bringing this Question again before the Board, except the Absence of one of the Members, which might have been urged



" urged and accepted as a Motive for deferring the Question to the Time proposed by Mr. Francis;  
 " I am against rescinding the former Resolution, and reconsidering the Question now.

" Mr. Francis—It is not affirmed or suggested that the Resolution taken at the last Consultation  
 " was not regular in Point of Form, or valid in Point of Law; neither has it been affirmed that  
 " sufficient Time was not given to the Members of the Board, to form their Opinions upon the origi-  
 " nal Question, or that the Consideration of it was brought forward by either of those Gentlemen  
 " whose Votes constituted the Resolution. We had a Week to consider it. The Day was fixed by  
 " the Governor's own Motion, and the Debate was introduced by the Secretary's reading the Nabob's  
 " Letter with the Governor's Consent and Approbation, and without any Motion from Mr. Wheeler  
 " or me. After Mr. Wheeler's Opinion and mine were read, we proceeded to other Business, and  
 " waited above Two Hours in Expectation of Mr. Barwell's Arrival. From these Facts I presume  
 " it follows that the Objection now made to the Resolution on the Score of Mr. Barwell's Absence, is  
 " not in any Sense valid; and the Governor General suggests no other for repealing that Resolution:  
 " I am left therefore without any Arguments proposed to counterbalance those on which my Opinion  
 " was founded. But if Arguments are even now offered against the Propriety of the Resolution  
 " itself, I shall be ready to enter into the Consideration of them. When no Arguments whatsoever  
 " are offered to justify the rescinding of a solemn Act of Government, I should think myself not  
 " only highly criminal, but, as a Man acting blindly and without Reason, if I consented to  
 " repeal it."

" Mr. Barwell—Could I regard the Resolution of the 2d Instant as a solemn regular Act of  
 " Government, I should decline including my Opinion at this late Period; but when a Question has  
 " been proposed to be decided upon, the Sentiments that may be delivered by every Member of  
 " the Council, and the Right of every Member to deliver his Opinion, is not only acknowledged by  
 " the unanimous Admission of the Mode in which the Question was proposed, but by such Admi-  
 " sion each Member is bound to deliver his Opinion, and each to allow the Weight carried by a  
 " Majority of such Opinions. I have no Option, nor can I submit to be excluded from a Right  
 " which the unanimous Reception of the Question in the Form it appears the 23d February, gives  
 " me. No subsequent Resolution could deprive me of the Privilege of a Vote on the present Sub-  
 " ject, nor no Resolution independent of that Vote, I apprehend, can be an Act of Government,  
 " while Two Members only, without the Concurrence of one or both of the other Members, under  
 " such Circumstances, are pleased to call their Votes an Act of Government. The Manner in which  
 " the Question was proposed, and left for Decision, I must again observe in this Place, precluded a  
 " Decision, if any Difference of Opinion prevailed among the other Members, without mine being  
 " also delivered. For these Reasons I approve the Governor General's present Motion as regular  
 " and proper to restore to me those Rights on the present Subject which were given me on the first  
 " Admission of the Question by the Board, and cancelled by the Resolution of the 2d Instant."

" Mr. Francis—I beg Leave to call upon Mr. Barwell for an Explanation of those Words in which,  
 " as I understand, he affirms or intimates, that a Resolution taken by the major Part of the Mem-  
 " bers present in Council on Monday last, is not an Act of Government. The Meeting of that Day  
 " was summoned by the Governor General; and the Law declares, " That in all Cases whatso-  
 " ever, the Governor General and Council shall be bound and concluded by the Opinion and Decision  
 " of the major Part of those present."

" Mr. Barwell—I am really at a Loss to express my Meaning in Terms clearer than those in  
 " which it already appears. I pretend not to deny that a Majority of the Council General consti-  
 " tutes an Act of Government: I simply point out that the Admission of a Question for my Opini-  
 " on allows not the Council an Option to cancel the Privilege such Admission conferred, nor  
 " leaves it in my Power to decline a Vote on the present Subject. If any further Explanation is  
 " necessary, I must refer to the Company what I have already said; and flatter myself they will  
 " judge it both clear and explicit."

" Mr. Francis—I submit it to the Judgment of our Superiors, whether the Words used by Mr.  
 " Barwell do or do not amount to a Denial of the Legality of the Resolution passed last Monday,  
 " from the Principles on which he now votes for repealing it? I apprehend it would follow, that  
 " any Member of this Board might, by absenting himself from Council in parallel Circumstances,  
 " prevent the Decision of any Question whatsoever."

" Mr. Barwell—I apprehend Mr. Francis is wrong in construing my Denial of any Vote preclud-  
 " ing my Opinion, under Circumstances such as I have already described, to amount to an Affirma-  
 " tion that the Votes of a Majority do not constitute an Act of Government: So far from it, that  
 " if it affirms any Thing, it is the contrary, that a Minority of any Question may not assume the Ap-  
 " pearance of a Majority."

" Resolved, That the Resolution, passed in the last Council, viz. " That the Nabob's Letter, re-  
 " corded 23d ultimo, be referred to the Decision of the Honourable the Court of Directors; and  
 " that no Resolution be taken here on the Subject of the Requisitions contained therein, without  
 " their special Orders and Instructions," be repealed.

" Mr. Francis—I beg Leave in this Place to enter my Dissent and Protest against this Resolution,  
 " for the following Reasons:

" 1st. Because it reverses a regular and formal Resolution of a former Board, without any one  
 " Argument being urged against the Propriety of that Resolution.

" 2d. Because it deprives the Court of Directors of their Jurisdiction over a Question of the ut-  
 " most

" most Importance to their Affairs, and to the good Order of this Government, without any one Reason why the Decision of that Question should be pressed at this Time, and not referred to their Judgment."

" Mr. Wheler—I likewise beg Leave to enter my Dissent, for the Reasons already assigned by Mr. Francis."

" The Second Motion contained in the Governor General's Motion, being put,

" Agreed, That the Question proposed by the Governor General, 23d ultimo, viz. That the Opinions of the Members of the Board may be taken, Whether the Requisitions contained in the Nabob's Letter recorded on that Day, shall be complied with or denied? may be reconsidered."

" Mr. Wheler and Mr. Francis having given their Opinions on the original Question in the last Consultation,

" Mr. Barwell proceeds to deliver his Sentiments as follow :

" Mr. Barwell—I am of Opinion, that, as the Nabob is pleased to demand and assert the positive Rights of his Office as Nizam of the Provinces, and as he has been invariably acknowledged such by the Company and this Government, I do not see upon what Ground we can deny his Request. A Reference at this Time for the Orders of the Company, would be an Evasion reflecting on their Honour, and unbecoming the Justice of the Government."

" Governor General—The Nabob's Demands are grounded on positive Rights, which will not admit of a Discussion.

" He has an incontestable Right to the Management of his own Household.

" He has an incontestable Right to the Nizamut ; it is his by Inheritance ; the Dependants of the Nizamut Adawlut, and of the Fouldarry, have been repeatedly declared by the Company, and by this Government, to appertain to the Nizamut.

" For these Reasons I am of Opinion, that the Requisitions contained in the Nabob's Letter, entered on Consultation 23d ultimo, ought to be complied with."

" Mr. Francis—Since it has been resolved that the Consideration of the original Question should be resumed, I desire that the Secretary will read to the Board the repeated Letters already addressed to the Governor General by the Nabob on this Subject, previous to the last, as they will probably throw Lights upon it, which are not before us at present."

" Governor General—I must beg Mr. Francis's Pardon for objecting to the present Motion, as it does not arise out of any new Matter produced at this Meeting ; and as these Letters, if they are supposed to contain any additional Lights, ought to have been considered by him before he gave his Opinion. I have no Objection to their being produced ; the Letter Book containing the Persian Correspondence ought always to be before the Board, and this is the only Day in which I recollect that they were not lying upon the Table ; my Objection goes only to the Loss of Time which will be consumed in tracing the Nabob's Letters, which may have been written on the Subject, and in reading them to the Board. The Letter Books are now produced ; I desire that the Assistant Secretary will examine them, and shew Mr. Francis such Letters as he finds contained in them from the Nabob. This I apprehend will answer all the Purposes for which he can require them, and the Time of the Board will be spared."

" Mr. Francis—I understood the original Question was resumed *de novo*. In delivering my former Opinion, I reserved to myself a Right to alter it according to the Arguments which might be stated in the Course of the Debate. The Letters in question, if they are entered on the Persian Correspondence, might have been read while we have been talking upon the Subject. I generally have examined the Persian Correspondence, but do not recollect to have seen any Letter from the Nabob, stating, as he says, very fully the Trouble and Uneasiness he suffers from the Nabob Mahomed Reza Cawn's being invested with the Offices he now holds. From what I have heard of his Conduct, and of those Persons who are most in his Confidence, and have the greatest Influence with him, I can easily believe that Mahomed Reza Cawn's Authority is a Restraint over him ; when that Restraint is removed, I do not doubt that he will immediately become what he was before, an easy Prey to his menial Servants, whose utter want of Ability, Integrity, and Attention to render him in any Degree respectable even in the Eyes of the Natives, are well known to the Court of Directors. When the Rights of the Nabob to the Management of his Household, and to the Exercise of the great Offices dependant on the Nizamut, are so peremptorily declared, I should have conceived that his Ability to judge and act for himself and his Capacity to execute Offices of such essential Importance to the Welfare of the Country, would also have been considered by a prudent Government. I know with Certainty that he is in his own Person utterly incapable of executing any of these Offices ; nor does it follow from any Acknowledgment of his Rights, that it should not be the Duty of this Government to recommend to him wise and able Men, and such as the Company themselves are known to confide in, to support and carry on that Part of the Public Business, which is still left, or supposed to be left, with the Nizam. The Company will judge of the real Motives and Object of the Requisitions brought before us in his Name, and how far such an Address from him will justify the Removal of a Minister, whose Appointment has been expressly, and in the highest Terms, approved by him on the 24th December 1776. The Secretary has yet pointed out to me but One Letter from the Nabob, which appears to have been received on the 17th November. In that Letter he says, " I am hopeful you will not keep me

" longer in this painful Suspense, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the Administration of the Affairs of the Nizamut, which is in fact her own Family, without the Interference of any other Person whatsoever; by this you will give me complete Satisfaction." The Way then to give this young Prince complete Satisfaction, if we can suppose such Letters are really dictated by him, is to restore Munny Begum to the Administration of the Affairs of the Nizamut, without the Interference of any other Person whatsoever. By this Request it appears how little he thought himself qualified Three Months ago to take upon himself the Offices which he now desires to be invested with. I do not doubt that the Object of the present Measure is to restore Munny Begum in Fact, if not in Form, to the Power, of which she was divested by a former Act of this Government. The Merits of this Lady are well known to the Company. But it may be proper to repeat in this Place what the Court of Directors have with great Reason thought fit to say of her: " Notwithstanding such vast Sums have been carried to the Nabob's Account, over and above his Stipend, in so short a Space of Time, we observe, that in May 1775, there was not a Rupee in his Treasury, though there were Demands upon him to a large Amount. This Circumstance alone, were there no other Improprieties in the Conduct of Munny Begum, would justify her Removal from the Office of Guardian to the Nabob, because it is evident, that under her immediate Superintendence, great Part of his Allowance must have been embezzled, or very grossly misapplied."

" Resolved, That the Requisitions contained in the Letter from the Nabob Mobareck ul Dowla, entered in Consultation 23d February, be complied with.

" Mr. Francis—I dissent from and protest against this Resolution; because, in Addition to all the other Reasons expressed by me, it is a direct and positive Disobedience of the Orders of the Court of Directors, expressed in their high Approbation of the Appointment of Mahomed Reza Cawn to his present Employment; and because this important Resolution is taken without any one Reason being assigned in Support of the Necessity or Expediency of it."

" Mr. Wheeler—I accede to every Objection pointed out by Mr. Francis, and likewise join with him in his Dissent and Protest. Further, as the Nabob has thought proper at this Period to demand his positive Rights, and as those Rights may probably prove much more extensive than appears from the Question now before the Board; I am confirmed in my former Opinion, that his Highness's Request ought to be referred to the deliberate Decision of the Court of Directors, and not at present receive the Sanction and hasty Determination of this Board."

" Governor General—I now move, that a Letter be addressed to the Nabob Mobareck ul Dowla, informing him, that the Board have agreed to comply with the Requisitions contained in his Letter; but that he be requested to permit the present Judges and Officers of the Nizamut Adawlut, and of the Fousdarry, to continue in Office until he shall have formed a new Arrangement of those Officers, and shall have advised the Board of the same through the regular Channel of the Governor General. I move also, that the Substance of the preceding Resolution be communicated to Mahomed Reza Cawn."

" Mr. Wheeler—I object to the Letter for the same Reasons that I have objected to the general Question.

" Mr. Francis—I agree with Mr. Wheeler.

" Mr. Barwell—I agree to both the above Motions.

" Resolved, That a Letter be addressed to the Nabob Mobareck ul Dowla, informing him, that the Board have complied with the Requisitions contained in his Letter; and that he be requested to permit the present Judges and Officers of the Nizamut Adawlut, and of the Phousdarry, to continue in their present Appointments until he shall have formed a new Arrangement of those Officers, and shall have advised the Board of the same through the regular Channel of the Governor General.

" Resolved also, That the Substance of the preceding Resolution be communicated to Mahomed Reza Cawn.

" Warren Hastings.

" Rich<sup>d</sup> Barwell.

" P. Francis,

" Edw<sup>d</sup> Wheeler."

Your Committee have entered at large the several Minutes of each Member of the Council, that the House may clearly perceive their different Reasonings upon a Question of so much Importance, as that of removing the several Officers of the State, whose Nomination had received the Approbation of the Court of Directors, against whose Conduct in Office no well-founded Charge had been made; and the only Reason assigned for his Removal, was the Nabob's Letter.

This Motion, to rescind the Resolution of the 2d March, was carried by the Casting-voice of the Governor General; Mr. Barwell, who was not at the former Consultation, being now present, and concurring with the Governor General. The several Letters from the Nabob, recommending his Mother, the Munny Begum, to the Administration of Public Affairs, are inserted in the Appendix, N<sup>o</sup> 6. (S) (T) (V) (U.)

Your Committee find, that the Council General, in their Letter to the Court of Directors of the 20th March 1778 (Appendix, N<sup>o</sup> 6. (O) thus write:

" Par. 15. On the Receipt of a Letter from the Nabob Mobareck ul Dowla, addressed to the Governor General, in which he remonstrates against the sole Management and Administration of the Affairs of the Nizamut, the Fousdarry, and the domestic Concerns of his own Household; being continued in the Person of Mahomed Reza Cawn, as Naib Soubah, after he was of Age to conduct them himself; asserting also his Right to execute these Branches of his own Authority, since he had attained the Age of Maturity both by the Mahomedan and Christian Laws; and desiring that Mahomed Reza Cawn might be removed from the Trust with which he was invested; a Proposition was made for the Consideration of the Board, and delivered to each of the Members, signifying that their separate Opinions might be delivered on the next Council Day.

" When we assembled again, the Letter from the Nabob was read, with the Proposition upon it; and it was determined by a Resolution of a Majority of the Members then present, to refer the Application to your Decision. 2d March.

" At the next Meeting of the Board a Motion was made for reconsidering the Subject of our former Debates, as one of the Members to whom the Proposition had been delivered, was absent from the preceding Council, and had not given his Sentiments upon it. 5th March.

" In consequence of his Opinion the Resolution of the Day before was rescinded; and as we regarded the Nabob's Claim in the Light of a positive and incontestable Right, which we could not in Justice deny him the Enjoyment of, we resolved to comply with his Demand."

Your Committee find that the Court of Directors, in their Letter of the 4th February 1779 (Appendix, N<sup>o</sup> 6. (A a) seem to have well considered the Subject. They expressed their Sentiments in very strong and pointed Terms against the Majority of the Board; and your Committee have thought it necessary to insert in this Place the several Paragraphs of their Letter, which concludes with their Orders, that Mahomed Reza Cawn shall be immediately restored to the Office of Naib Soubahdar.

" Par. 8. We by no Means approve your late Proceedings on the Application of the Nabob Mobareck ul Dowla, for the Removal of the Naib Soubahdar. The Requisition of Mobareck ul Dowla was improper and unfriendly, because he must have known that the late Appointment of Mahomed Reza Cawn to the Office of Naib Soubahdar, had been marked with the Company's special Approbation; and that the Court of Directors had assured him of their Favour as long as a firm Attachment to the Company's Interests, and a proper Discharge of the Duties of his Station, should render him worthy of their Protection. We therefore repeat our Declaration, that to require the Dismission of a Prime Minister thus circumstanced, without producing the smallest Proof of his Infidelity to the Company, or venturing to charge him with one Instance of Mal-administration in the Discharge of his Public Duty, was improper and inconsistent with the Friendship subsisting between the Nabob of Bengal and the Company.

" 9. Admitting the Nabob's Complaint, that Mahomed Reza Cawn is not connected with him by relative Ties, to be well-founded, it by no Means follows that he has been deficient in Duty or sincere Attachment to him, or that his Power is oppressive and dishonourable to the Nabob and his Family; nor can Assertions of this Nature, unattended by Proof, have any Weight with us.

" Par. 10. In regard to the Nabob's Claim to take Charge of his own Affairs, merely because he is of Age, and thinks himself capable of conducting them, we find it declared by one of your Members, and not contradicted, that he knew with Certainty that the Nabob is, in his own Person, utterly incapable of executing any of those Offices which were deemed of essential Importance to the Welfare of the Country; and we are sorry to find, that neither this Declaration, nor the Protests of Two Members of the Council, seem to have been thought worthy of an Answer, or even of Consideration, by the Majority of the Board.

" 11. The Nabob hopes, from your Favour and Regard to Justice, to be delivered from the Authority of Mahomed Reza Cawn. He ventures to declare the Company solely indebted to the warm Support of his Ancestors for their present Greatness and Advantages. He claims the Management and Administration of the Soubahdary as his Right; and says, it will be highly inequitable in the Company to refuse their Approbation to his Request.

" Par. 12. We pass over these extraordinary Suggestions of the Nabob without Reply; only observing, that in Justice to him and ourselves, we must take the best Care in our Power of the Peace and internal good Government of the Country; and we are not disposed to hazard the Effects which might be occasioned by committing the entire Management thereof to his Inexperience, without enjoining him to accept such Assistance, and to employ such Ministers about his Person, as may be deemed necessary on the Part of the East India Company.

" 13. The 23d of February we find the Nabob's Letter, and a Question thereon, were circulated to the different Members of the Board, for their Opinions to be taken at the next Meeting of Council, which Meeting happened on the 2d of March; but one of the Members being indisposed, did not attend at that Board.

" 14. We have carefully noticed your Debates on the Subject. The Resolution of Council of that Day, that the Nabob's Letter should be referred to the Decision of the Court of Directors, and that no Resolution should be taken in Bengal on his Requisitions, without our special Orders and Instructions, appears to us very proper; we must therefore express our Disapprobation, on finding the said Resolution rescinded, on the frivolous Pleas urged by the Majority of the Board, Three Days afterwards.

" Par. 15. If the Absence of a Member of Council were sufficient to preclude the Discussion  
" of

“ of any Subject which might have been referred for Consideration by a former Board, or to invalidate Resolutions taken during such Absence, it would be in the Power of any Member effectually to defeat the Ends proposed by the Institution of a Council, and to put a total Stop to Public Business whenever he thinks proper. We shall not waste Time in refuting Claims of Privilege advanced on this Occasion, because they appear to us unworthy of Consideration, and beneath all Argument.

“ 16. The Nabob having intimated that he had repeatedly stated the Trouble and Uneasiness which he had suffered from the Naibship of the Nizamut being vested in Mahomed Reza Cawn, we observe one of the Members of your Board desired the Nabob's repeated Letters on the Subject might be read; but this reasonable Request was over-ruled, on a Plea of saving the Board's Time; which we can by no Means admit as a sufficient Objection.

“ Par. 17. The Nabob's Letters of the 25th and 30th of August, of the 3d of September, and 17th of November, leave us no Doubt of the true Design of this extraordinary Business being to bring forward Munny Begum, and again to invest her with improper Power and Influence, notwithstanding our former Declaration, that so great a Part of the Nabob's Allowance had been embezzled or misapplied under her Superintendence.

“ 18. Instead of your declaring that the Nabob's Demands were grounded on positive Rights, which shall not admit of Discussion; that the Nizamut is his Inheritance; that the Dependants of the Nizamut Adawlut and Foujedarry appertain to that Inheritance; that as he is pleased to demand and assert the positive Rights of his Office, as Nazim of the Provinces, there is no Ground for denying his Request; and that a Reference to the Company would be an Evasion unbecoming the Honour of Government;—the Nabob might have been reminded, that a Naib Soubadar was appointed, and that Office continued without Interruption or Objection, during the Government of his Ancestors; who must have been supposed more capable of governing the Provinces than a Youth of 10 Years of Age.

“ 19. You have requested this inexperienced young Man to permit all the present Judges and Officers of the Nizamut and Foujedarry Adawluts, or Courts of Criminal Justice, and also all the Foujedars or Officers appointed to guard the Peace of the Country, to continue in Office until he the Nabob shall have formed a Plan for a new Arrangement of those Officers; and it is with equal Surprise and Concern that we observe this Request introduced, and the Nabob's ostensible Rights, so solemnly at this Period by our Governor General; because on a late Occasion, to serve a very different Purpose, he has not scrupled to declare it as visible as the Light of the Sun, that the Nabob is a mere Pageant, and without even the Shadow of Authority. No Circumstance has happened since that Declaration was made, to render the Nabob more independant, nor to give him any additional Degree of Power or Consequence; you must therefore have been well apprized that your late Concessions to Mobareck ul Dowla, were unnecessary, and as such unwarrantable.

“ Par. 20. As we deem it for the Welfare of the Country, that the Office of Naib Soubadar be for the present continued, and that this high Office should be filled by a Person of Wisdom, Experience, and of approved Fidelity to the Company; and as we have no Reason to alter the Opinion given of Mahomed Reza Cawn in our Letter of the 24th of December 1776, we positively direct that you forthwith signify to the Nabob Mobareck ul Dowla our Pleasure, that Mahomed Reza Cawn be immediately restored to the Office of Naib Soubadar. And we further direct, that Mahomed Reza Cawn be again assured of the Continuance of our Favour, so long as a firm Attachment to the Interest of the Company, and a proper Discharge of the Duties of his Station, shall render him worthy of our Protection.”

Your Committee find that the Governor General and Council, on the 22d November 1779 (Appendix, N<sup>o</sup> 6. (C a) in their Public Department, took into Consideration the Letter from the Court of Directors, relative to Mobareck ul Dowla and Mahomed Reza Cawn; and the Board came to the following Resolution:

“ Resolved, That the Company's Orders for the immediate Re-instatement of Mahomed Reza Cawn in the Offices he held in January 1778, be carried into Execution; and that a Copy of the last Paragraph of the Company's Letter of the 4th February 1779, together with an exact Persian Translation thereof, be transmitted to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, with a Requisition on the Part of the Governor General and Council to the Nabob, to conform to the Injunctions of the Court of Directors, expressed in that Paragraph.”

Your Committee find, that the next Day, the 23d November (Appendix N<sup>o</sup> 6. (D a) the Governor General moves, That the 8th to the 20th Paragraphs of the General Letter, dated 4th February 1779, with Mr. Francis's Motion and Resolution thereon, be again read: Which being read,

The Governor General moved, “ That the Opinions of the Members of the Board be taken, Whether the above Resolution shall be approved?” Your Committee particularly recommend to the Attention of the House the whole Proceedings of this Consultation, which are entered in the Appendix; but they cannot avoid extracting Part of Mr. Barwell's Minute of that Day; viz.

“ I therefore vote for rescinding the Resolution of the last Council, so far as regards the Mode of executing the Orders of the Company, but no farther. I agree to the Motion, that the Order be executed; but am for leaving the Manner of doing it to the Discretion of the Governor General. From nothing that the Governor General has urged in the Course of the Debate of Yesterday



" do I perceive the least Disposition in him to decline the Instructions which the Company have been pleased to give relative to the Naib Soubah."

The Governor General, in his Minute, thus expresses himself: " With all the Respect and Submission which I owe and feel for the Authority of the Court of Directors, I must declare that I shall not yield even to that Authority, in any Instance in which it shall require my Concession of the Rights which I hold under an Act of Parliament."

After much Debate, Your Committee find the Council came to the following Resolution :

" Resolved, That the Resolution of Yesterday, viz. That the Company's Orders for the immediate Re-instatement of Mahomed Reza Cawn in the Offices he held in January 1778, be carried into Execution, and that a Copy of the last Paragraph of the Company's Letter of the 4th February 1779, together with an exact Persian Translation thereof, be transmitted to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, with a Requisition on the Part of the Governor General and Council to the Nabob, to conform to the Injunctions of the Court of Directors, expressed in that Paragraph, be reversed."

And Your Committee find, That the Council General, on the same Day, resolved,

" That the Pleasure of the Court of Directors, signified in the 20th Paragraph of their General Letter, dated the 4th February last, and the Assurance therein directed to be given to Mahomed Reza Cawn, be communicated to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, in the Words of the General Letter."

Your Committee also find, That on the Consultations of the 15th December 1779, which are entered in the Appendix N° 6. (E a) Mr. Francis, in a Minute of some Length, but well deserving the Consideration of the House, moved, " That it may be resolved, That the preceding Letter from the Nabob is highly dissatisfactory to the Board; and that the Governor General be requested to signify the same to him, and to demand, in our Name, his immediate Compliance with the Orders of the Company."

To which Mr. Wheler agreed.

Your Committee think it proper to insert the Minutes of Mr. Barwell and the Governor General upon that Motion; which are as follow :

" Mr. Barwell—If any Advantage was stated to derive to the Company by controlling the Will of the Nabob, it might be a Question with me, how far the Occasion would vindicate the Compulsion proposed? but when no National Benefit can accrue, nor is stated, I cannot give my Assent to a very exceptionable Measure."

" Governor General—I shall take another Occasion to deliver my Sentiments at large on the Subject of this Motion: For the present I shall content myself with declaring, that I have gone to the utmost Lengths prescribed to me by the Company's Orders, and by my Sense of my Duty, and that I will not go beyond them."

Mr. Francis's Motion was negatived by the Casting-voice of the Governor.

Your Committee find the following Paragraph of the Letter from the Governor General and Council to the Court of Directors, of the 14th January 1780 :

" Par. 54. On Receipt of your Orders of the 4th February last, for the Restoration of Mahomed Reza Cawn to the Office of Naib Souba, we caused an Extract from them to be transmitted into the Persian Language, and transmitted through the usual Channel to the Nabob Mobareck ul Dowla. By his Answer you will observe that he has not thought proper to comply with your Requisition. For the Reasons on which he has grounded his Refusal, and our Debates and Proceedings in Consequence, we beg Leave to refer to our Consultations, and to request your attentive Perusal of them."

29th November.

15th December.

Your Committee also find the following Proceedings of the Governor General, and Council, of the 24th February 1780 (Appendix, N° 6, (G a.)

" The Governor General lays before the Board a Letter from the Nabob Mobareck ul Dowla, containing his Assent to the most essential Parts of the Company's Orders, for the Restoration of Mahomed Reza Cawn to the Office of Naib Souba. The Governor General informs the Board, that he has urged to him the Necessity of a full Compliance, and that he considers this as already effected; he therefore proposes, that the Resident at the Durbar be authorized to inform Mahomed Reza Cawn, that he is re-instated in all and every Part of the Authority vested in him by the Resolution of the Board of the 18th of October 1775, and to receive the Salary of 5 Rupees 2,40,000 per Annum, annexed to his Office by the above Resolution, from the 13th November 1779; from which Day the several Salaries and Allowances granted to Munny Begum, Babboo Begum, Rajah Goordas, and the late Sudder ul Hoc Cawn, by the Resolution of the Board of the 11th May 1780, are to cease and determine: That he be authorized to prepare Kelauts, and invest Mahomed Reza Cawn with the same in the Name of this Government; and that the Nabob be requested to bestow on him the same Marks of his Favour."

" From the Nabob Mobareck ul Dowla, received 22d February 1780.

" Your gracious Letter, informing me that you had received repeated and positive Orders from the Company about the Restoration of the Nabob Mahomed Reza Cawn Behadre Mozuffer Jung to the Office of Naib Souba, and also respecting the withdrawing the Pensions of the Two  
SEL. COM. REP. V. 1 Begums,



“ Begums, which had been assigned to them in the Month of January 1778, and containing your  
 “ Advice on this Subject, is arrived, and I am acquainted with all the Particulars of it.  
 “ Sir ! what Uneasiness and Sorrow I felt on learning the Contents of your Letter, are foreign to  
 “ my present Letter. Before this I have made you acquainted with all my Wishes on the Subject of  
 “ the said Nabob’s Restoration, and I have not yet altered my Desire on this Head ; but as the  
 “ Company’s Orders are so positive, and since you, whom I have always considered, and still confi-  
 “ der, as the Support of myself and my Family, advise me to comply with them, I am left without  
 “ Remedy. As I have at all Times conducted my Affairs agreeable to your Advice, although it  
 “ should not coincide with my Wishes, I have accordingly determined to obey the Orders of the  
 “ Company respecting the Restoration of the Nabob Mahomed Reza Cawn to the Office of Naib  
 “ Soubah, and to re-instate him accordingly in all the Rights of that Office ; but will not suffer him to  
 “ have any Authority in my Household Matters, which depend solely on myself ; and besides, I hope  
 “ from your Friendship, that positive Directions may be given to him at the Time of his Appoint-  
 “ ment, that he act in all Matters by my Advice, and that my Signature be put to all Papers. Al-  
 “ though I, from the Necessity of the Times, and in Compliance with your Advice, have Regard to  
 “ a Thing which is full of Detriment to my Rights and those of my Family, and contrary to the  
 “ Expectations which I had from the Company and the English Nation ; yet, reflecting on the Justice  
 “ and Equity of the English Gentlemen, I am confident that whenever the Company shall send out  
 “ Orders by which my Rights can be impaired, and should direct me to be put under the Au-  
 “ thority of a Person who has no Right in the least to it ; you will, upon receiving full Informa-  
 “ tion of it, do me Justice and restore me to my Rights, that no Disgrace and Dishonour may  
 “ come upon me. In short, I trust all my Concerns to your Friendship, and hope that you will ex-  
 “ plain them in such a Manner to the Company, that Justice may be done to me. Further Particu-  
 “ lars will be made known to you by the Letter of Sir John D’Oyley, who is my true Friend, and  
 “ in whom I put entire Confidence ; whatever he shall write, consider as coming directly from me.”

Which Proposition of the Governor General’s was agreed to.

And Your Committee also find on the 3d of March 1780, (Appendix N° 6. (H a) the following Letter from the Governor General and Council, to the Court of Directors :

“ Par. 12. We have the Pleasure to inform you, That the Nabob Mobareck ul Dowla having  
 “ signified his Assent to the Execution of your Orders in favour of Mahomed Reza Cawn, by a  
 “ Letter to the Governor General, we accordingly re-instated him in all and every Part of the Au-  
 “ thority vested in him by the Resolution of the Board, of the 18th October 1775, with the Salary  
 “ of Sicca Rupees 2,40,000, annexed to the Office by that Resolution, from the 13th November  
 “ 1779 ; from which Day the several Salaries and Allowances granted to Munny Begum, Babboo  
 “ Begum, Rajah Gourdals, and the late Sudder ul Hoc Cawn, are to cease and determine.”

And in order to give the House the fullest Information possible, Your Committee have thought it necessary to insert in the Appendix N° 6, a compleat Copy of the Proceedings respecting Mahomed Reza Cawn.

The Advices which the Court of Directors have lately received from Bengal, of a most extra-ordinary Promotion of Field Officers on that Establishment, induced Your Committee to examine the Orders of the Court of Directors on this Subject so far back as the Year 1770 : And Your Committee find, that the Court of Directors, in their General Letter to the President and Council at Fort William in Bengal, of the 23d of March 1770 (Appendix N° 13. (C) after reprobating the Conduct of their Council at Bengal, for the Promotion of Two Lieutenant Colonels, direct, “ That  
 “ on any future Vacancies they are not to be filled up, our Intention being that you should revert  
 “ to the former Establishment of One Major to each Brigade ; and we hereby declare, that if you  
 “ shall hereafter presume to alter the Military Establishment laid down from the Court of Di-  
 “ rectors, by the Appointment of any additional and extraordinary Officers to such Establishments,  
 “ as has been done in this Instance ; it is our fixed Resolution to dismiss those Persons from our  
 “ Service, be they whom they may, who shall take upon themselves to concur in such notorious  
 “ Disobedience of our Orders.”

And Your Committee also find, That the Court of Directors, in their General Letter to the President and Council at Fort William in Bengal, of the 10th of April 1771 (Appendix N° 13. (D) say, “ To free ourselves in future from the irksome Necessity of annulling any Appointment of  
 “ Field Officers which shall not have been made with our Permission, we positively direct, that you  
 “ do not at any Time take upon yourselves to advance any Commander in Chief to the Rank of  
 “ Brigadier General, or appoint any Colonel to be Commander in Chief, but the Colonel succeed-  
 “ ing to such Command is to act as provisional Commander in Chief, until you shall be informed  
 “ of our Pleasure in this Respect ; and we further order, that the like Rule be observed in regard  
 “ to all other Field Officers, who in Case of Succession by any Vacancy must be appointed pro-  
 “ visionally to the next superior Rank, until the same shall be confirmed by us.”

In the same Letter the Court of Directors express their Dissatisfaction at the Promotion of Cap- tain Du Glos to the Rank of Major, as follows :

“ Par. 97. On observing your Appointment of Captain Du Glos to be a Major upon Brevet,  
 “ we cannot but be dissatisfied at your assuming a Power to bestow such Favours or Distinctions as  
 “ Decency

“ Decency required you to submit to our Determination; however, the long and faithful Services of Captain Du Glos, and his approved Merit, have induced us to continue to him the Rank he has received from your Appointment; but as we shall not admit of your exceeding our Establishment of Engineers, Captain Du Glos must remain a Brevet Major until he shall succeed to the Rank of full Major, on a Vacancy of such Rank in the Corps of Engineers.”

And your Committee find, That the Court of Directors complain of the Number of Field Officers on the Bengal Establishment, that they limit the Number on the Establishment: and in the 100, 101, 104, and 109 Paragraphs of the same Letter, they give the following Instructions,

“ Par. 100. Upon examining into the State of your Military Officers, we find the Number of Field Officers greatly exceeds your Establishment; we therefore direct, that all above Three Colonels of Infantry (including the Commander in Chief) Six Lieutenant Colonels of Infantry, One of Artillery, and the Lieutenant Colonel of Engineers, Six Majors of Infantry, Three of Sepoys, One of Artillery, and One of Engineers, are to be looked upon as Supernumeraries, and no Promotions must be made till they are provided for, as we are determined that the above Establishment shall not be exceeded on any Pretence whatsoever.

“ Par. 101. As it frequently happens that you permit Field and other Officers to come to England for the Recovery of their Health, and upon their leaving India have filled up their Commissions, whereby our Military Establishment, upon the Return of those Officers, has been exceeded, and the Company's Expence thereby greatly increased; in order to avoid this Evil, we direct that you do not fill any vacant Commissions which shall happen by Field or other Officers coming to Europe for their Health, or otherwise with your Permission, but that the Officers next below them do perform their Duty until their Return, or your receiving our Orders to the contrary.

“ Par. 104. Upon considering the Case of Captains Benjamin Wilding and George Boulton Eyres, we have thought proper to restore them to their original Ranks on your Military Establishments, the former as Lieutenant Colonel next below Lieutenant Colonel Winwood, and the latter as Major next under Major Frederick Thomas Smith; but they are to be paid the usual Pay of Captains only, until the Field Officers serving under the Presidency shall be reduced to the Number mentioned in the 100th Paragraph; and when they shall enjoy those Ranks by such Reduction, they are to have the full Pay and Emoluments, the former as Lieutenant Colonel, and the latter as Major.

“ 109. We have very maturely considered your Proceedings upon the Restoration of Captains Goddard and Ahmuty, to the Ranks they held before the Association of the Officers in 1766; and it appears to us not only an improper Measure, but very injurious to those Officers who had a just Sense of their Duty, and did not join in the Association, and also to those who were sent from Fort Saint George and Bombay to your Assistance at that critical Time, under the Assurance that they should not be superseded; but as it appears contrary to all Military Orders, that an Officer once raised to a superior should serve in an inferior Rank, without a Breach of Honour, and having a favourable Opinion of the Merits of Captains Goddard and Ahmuty, we do agree to their continuing in the Ranks you placed them on the 16th December 1769; but we direct that they receive the Pay and Allowances of Captains only, until the Field Officers serving under your Presidency shall be reduced to the Establishment of Six Lieutenant Colonels and Nine Majors of Infantry and Sepoys, when they are to enjoy full Pay and Emoluments, the former as Lieutenant Colonel, and the latter as Major; yet we are greatly displeased at the Liberty you took in promoting those Gentlemen, when your Military Establishment was complete, from whence the Company has been put to great Expence.”

And Your Committee further find, that the Court of Directors continued to adhere to their former Resolution of not encreasing their Establishment of Field Officers in Bengal, as appears by the 49th Paragraph of their Letter to the President and Council of Bengal, of the 7th of April 1773, which is as followeth, (Appendix, N° 13. (F.)

“ We have permitted Major John White to return to our Military Service at your Presidency, and to take his Rank next under that Officer who shall be younger Major on his Arrival there; but with this express Condition, that he receive only the Pay and Emoluments of Captain until the Field Officers are reduced to the Establishment, when he is to be entitled to the Pay and Emoluments of Major.”

And Your Committee further find, that the Court of Directors found it necessary to take from the President and Council the Power of granting Commissions to any Field Officers whatsoever, as will appear by the following Orders in the General Instructions to the Governor General and Council of Bengal, dated the 29th of March 1774, Par. 48. (Appendix, N° 13. (G.)

“ It is our express Order, that no Commission to any Field Officers be granted by you; but in case of Vacancy, the Officer next in Rank shall supply the same provisionally until our Pleasure be known. And we direct, that all Commissions below the Rank of Field Officers, be filled up and henceforth signed by the Governor General and Council in Bengal, and by our President and Council at every other Settlement.”

And Your Committee find, that the Court of Directors complain, that notwithstanding all their Orders, they had not been able to prevent an undue Application of the Commission granted upon the Revenues, by their President and Council of Bengal; they therefore, in their General Letter to Bengal, of the 30th of March 1774, (Appendix, N° 13. (H) give the following Instructions:

“ Par. 68. When we restored, or acquiesced in the Restoration of sundry Officers who had been  
“ concerned

“ concerned in the Mutiny of 1766, it was under the express Limitation of their being confined to Captains Pay and Emoluments, until the Number of Field Officers should be reduced to the fixed Establishment; which was, Three Colonels of Infantry, including the Commander in Chief, Eight Lieutenant Colonels, and Eleven Majors; how then our President and Council could permit those Officers who were Supernumerary to share in the Commission upon the Revenues, before they succeeded to the Pay annexed to their Station, we are at a Loss to conceive.

“ 69. It is however our express Direction, that the Commission upon the Revenues, ordered to be paid to Field Officers, be in future confined to the above Establishment (viz.) to Three Colonels, Eight Lieutenant Colonels, and Eleven Majors, beginning with the eldest Colonel, Lieutenant and Major.”

And Your Committee further find, that the Court of Directors, in their Letter to Bengal, of the 3<sup>d</sup> of March 1775 (Appendix, N<sup>o</sup> 13. (L.) confirm their former Instructions as follows :

“ Par. 91. In our Letter to you, dated 30th March 1774. Par. 69, we fixed the Number of Field Officers who were to be allowed Shares of the Commission upon the Revenues of Bengal, to Three Colonels, Eight Lieutenant Colonels, and Eleven Majors: We hereby confirm the said Regulations, and direct, that no Supernumerary Lieutenant Colonel receive a larger Share of Commission than he would be entitled to as Major; and also that the youngest Majors be wholly excluded, till the Field Officers shall be reduced to the Number fixed by our Establishment.”

Your Committee find, in a Letter from Brigadier General Stibbert to the Governor General and Council, dated the 31<sup>st</sup> October 1780 (Appendix, N<sup>o</sup> 13. (L.) a Plan for not only augmenting the Sepoys Corps in the Bengal Army, but for making very essential Changes in the Constitution of the Army itself. He proposes to reduce the Strength of each Battalion of Sepoys to 500 Rank and File, and then to form the whole Corps of Sepoys into Regiments, consisting of Two Battalions each; and after stating what he thinks will be the principal Advantages resulting from this Measure, he concludes as follows: “ After all, I must acknowledge that this Plan is still improveable, and would be much more complete, were a Regiment to be commanded by a Major, and each Battalion by a Captain; but as this would create an extra Expence to the Company, which might be considered too heavy, I have been deterred from proposing it.”

Your Committee also find a Letter from Brigadier General Stibbert to the Governor General and Council, dated at Calcutta, the 24th of December 1780 (Appendix, N<sup>o</sup> 13. (M) and said to be written in consequence of their Commands to him by Letter of the 14th of the same Month, but which Letter your Committee have not been able to obtain from the East India House. The Whole of General Stibbert's Letter, together with the other Papers and Proceedings relative to that Business, will be found in the Appendix, N<sup>o</sup> 12.

Notwithstanding which Your Committee have judged it necessary to bring forward to the immediate View of the House, the State of the Army in Bengal, as described by the Provincial Commander in Chief.

Brigadier General Stibbert, in the before-mentioned Letter, says, “ I come now to speak of the advanced Rank and Allowances which I have proposed to be granted to the Officers commanding Regiments, which, however great an Innovation it may be, I hope I shall be able to make appear to be both proper and unavoidable.

“ At the same Time that, in order to the rooting out the Abuses which had from a long Course of Practice insinuated themselves throughout the Army, and which are of a Nature tending immediately to the Ruin of the Corps composing our native Infantry, and consequently to the endangering the British Interests in this Country, it is become indispensably necessary to fix such Checks, and to establish such severe Rules with respect to the mustering and paying of the Sepoys, as shall put it entirely out of the Power of their Commanding Officers to derive any Emolument from Deficiencies in their Corps, or from any other improper Sources, and hereby engage their Attention wholly to the disciplining of them; it is likewise requisite (to this beneficial and desirable End) to annex such Rank and Allowances to the Command of these Officers as suits its Importance, and the Length of their Services; for totally to debar them from all Perquisites and Emoluments whatsoever, without advancing their Rank and Salary, would (supposing it possible to introduce such a Regulation into our Army) produce no other Consequence than that of rendering them to a Man disaffected to our Service. I need not add, that this is a Disposition which certainly gives Birth to an universal Relaxation of Discipline; an Evil to which, under such Circumstances, no Remedy, however violent, could be effectually applied. This Danger however will be avoided by granting the superior Officers the advanced Rank and Allowances proposed by me, which no Doubt will ere long reconcile them to the Reform; which, by disengaging them from the Pursuit of other Objects, will lead them to exert themselves more than ever in training and disciplining the Corps committed to their Charge.

“ There remains, Gentlemen, little more for me to say. Those Parts of the annexed Regulations on which I have not remarked, will, I trust, speak for themselves; but I am particularly hopeful that the Forms I have prescribed for mustering and paying the native Troops, will evince that my principal View in these Arrangements has been to strike at the Root of every Abuse that has hitherto operated, either to the Prejudice of good Order and Discipline or the Rights of the native Soldiery, on whose hearty Attachment to the Service so much depends.

“ I am aware, that exclusive of Pay, Batta, and Allowances, there may be some other additional Expences incurred by the Arrangements I have the Honour to lay before you, of which I have not taken Notice in my Statements. It is not my Intention to rest their Propriety or Utility on  
“ the

“ the Proof of their yielding the Saving exhibited in the annexed Memorandum. I shall be satisfied  
 “ if they do not increase the Disbursements on the Army Account; and though, contrary to Appear-  
 “ ances as well as to my Hope, they should add in a small Degree to the Military Burthen, yet I  
 “ am confident that the beneficial Consequences which will in due Time result from them, will be  
 “ considerably more than equivalent to the extraordinary Expence that may be incurred by  
 “ them.”

Your Committee find the following Propositions, amongst many others (all of which are inserted in the Appendix, N<sup>o</sup> 13, (M) submitted to the Council General by Brigadier General Stibbert:

“ That the Sepoy Corps of this Establishment be new-modelled in the Manner following; (viz.)

“ That the several Battalions of Sepoys now attached to Brigades, be augmented by new Levies  
 “ to 1,000 Men Rank and File; that they shall be denominated Regiments; and that these Regi-  
 “ ments be formed into Two Battalions of equal Strength, consisting each of Five Companies,  
 “ viz. One Grenadier and Four Battalion Companies.

“ That this Regiment be commanded by a Major, to be styled Major Commandant; and each  
 “ Battalion of it by a Captain.

“ That a Gratuity of 600 Rupees a Month be given to each Major Commandant, in Considera-  
 “ tion of his Length of Service, and in lieu of all Perquisites and Emoluments whatsoever, from  
 “ which they shall be totally excluded.

“ That an Allowance of 120 Rupees per Month be given to each Captain commanding a Batta-  
 “ lion of a Regiment, as a Compensation for the extraordinary Duty annexed to this Station.

“ That Two Lieutenant Colonels be attached to the Sepoy Corps of each Brigade.”

And Your Committee find, that the Governor General and Council of Bengal, notwithstanding they were restrained by the most positive Commands of the Court of Directors, not to grant a Commission to any Field Officer, but that in case of Vacancy the Officer next in Rank should supply the same provisionally, until the Pleasure of the Court of Directors was known, did pass the Whole of Brigadier General Stibbert's Propositions into Resolutions of Council, and in consequence promoted 36 Captains to be Majors upon that Establishment.

And that the House may be competent to judge upon this Fact, Your Committee subjoin in this Place, the several Paragraphs of the Secret Letter from the Governor General and Council at Bengal, dated the 7th of January 1781, which contain the Reasons of the Council General for their Conduct.

“ Par. 15. The Provincial Commander in Chief, in the Persuasion that to derive from the na-  
 “ tive Infantry of our Establishment those capital Advantages which can only result from exact  
 “ Discipline, tempered with a strict Administration of the Rights of the Soldiery, it was positively  
 “ necessary thoroughly to reform and new-model the Corps composing this Part of our Military  
 “ Force, presented to us on the 26th ultimo a Series of Propositions, best calculated, according to  
 “ his Judgment, for compassing so important and useful an End. These Propositions were accom-  
 “ panied with figured Statements, exhibiting, as nearly as might be, the extraordinary Expence  
 “ which would be incurred by the new Sepoy Establishments, and the Annual Saving which  
 “ would accrue from the general Arrangements.

“ 16. The Letters which we have received from Brigadier General Stibbert on this Subject,  
 “ and Copies of the Statements and Propositions accompanying them, are sent to you Numbers in  
 “ this Dispatch. After maturely considering the Principles on which the Plan submitted to us was  
 “ obviously founded; after measuring the Extent of the Advantages it promised to produce, and  
 “ after satisfying ourselves that it united Economy and Utility, we delayed not, in the Conviction  
 “ that the late Military Constitution of our native Infantry was pregnant with Defects which, unless  
 “ timely corrected, threatened the most serious and alarming Consequences, to pass the Whole of  
 “ General Stibbert's Propositions into Resolutions of our Council.

“ 17. We will here delineate, as far as may be necessary, the general Ground-work of this new  
 “ Superstructure, marking the less obvious Motives of particular Regulations, and distinguishing, in  
 “ a concise Manner, the Advantages they possess over former Institutions and Arrangements.

“ 18. The apparent Strength of the Battalions of the European Regiments being at all Times very  
 “ inconsiderable (rarely exceeding 300 Rank and File) and their positive or effective Strength being  
 “ frequently below 200 Men, the large Establishment of Officers annexed to these Corps appeared  
 “ to be productive of an utterly irrequisite Expence, without yielding a single Advantage in a Mili-  
 “ tary Point of View: Influenced by these Reflections, we made it our Request to General Stib-  
 “ bert, to examine the Expediency of doubling up the Battalions of the Regiments: And accord-  
 “ ingly we have had the Satisfaction of receiving his Concurrence in a Measure that, while it oc-  
 “ casions in our Monthly Expences a Retrenchment of 37,186 Sonaut Rupees, furnishes us with a  
 “ considerable Number of Officers towards completing our native Infantry on the new Establish-  
 “ ment.

“ 19. Although the Commander in Chief has in the annexed Propositions inserted a Clause, ex-  
 “ pressing, that when the Strength of the European Regiments shall exceed 762 Rank and File,  
 “ they shall revert to their former Constitution (because in that Case the Corps would be too un-  
 “ wieldy for the Purpose of manœuvring with Celerity and Exactness) yet we must remark, that  
 “ it is by no Means probable that we shall be reduced, during the Continuance of the War in  
 “ Europe, to the Necessity of re-adopting this burthenome System on the Military Principle sug-  
 “ gested;



“gested; and that the Period at which alone such a Necessity is likely to occur, will be the best suited to its favourable and easy Operation.

“20. Having resolved, in consequence of the approaching Departure of a Division of our Army towards Madras, to augment our Military Force, we issued Orders for the raising of 6 new Battalions; but the Commander in Chief having suggested to us the Expediency of new-modelling the native Infantry, and of applying an immediate and effectual Remedy to the Abuses which had crept into the Corps composing this Part of the Army, to the great Detriment of the Service, we thought proper to recall those Orders, and to signify to him that we were prepared to receive his Sentiments at large upon this important and interesting Subject; when he accordingly presented to us the annexed Propositions, explaining them, as far as was requisite, in our Consultation of the 26th ultimo, at which he was present.

“21. As the Advantages of the new Sepoy Arrangements, as far as relates to the Purposes of manœuvring and disciplining the Corps, as well as to the Effects which may be produced on the Minds of the Country Powers by such an apparent Increase of the Number of Battalions on our Establishment, are fully set forth in General Stibbert's Letter to us of the 31st of October, we beg Leave to refer you to the same for his Arguments on these Heads; which, we are to observe, had their due Weight with us. We must also request of you, to seek in the same Letter the Reasons adduced by him for abolishing the Office of native Commandant to the Sepoy Regiments; in the Propriety of which we entirely acquiesced, as well as in the Expediency of the Regulation directing the native Adjutants to be made from Jamautdars (instead of Soubadars) with a View of preventing these Officers from succeeding to the dangerous Influence and Authority of the Commandants.

“22. At the same Time that, in order to the correcting of the Abuses which had crept into the Army, and which were of a Nature tending directly to the Destruction of the Corps composing it, it was become necessary to fix such Checks, and to establish such rigid Rules, with regard to mustering and paying the Sepoys, as should put it totally out of the Power of the Commanding Officers of Regiments to desire any Emoluments from their Corps, and thereby engage their Attention wholly to the disciplining of them; it also became requisite to annex such Rank and Allowances to the Command of these Officers, as suited its Importance and the Length of their Services: For to have entirely excluded them from all Perquisites and Emoluments whatsoever, without advancing their Rank and Salary, would, supposing it possible to have established such a Regulation, have produced no other Consequence than that of rendering them to a Man disaffected to the Service;—an Evil that must have necessarily been followed by an universal Relaxation of Discipline, for which the most violent Remedy would, under such Circumstances, be ineffectual.

“23. This Danger however is avoided, by granting, as we have done, advanced Rank and Allowances to the Officers commanding Regiments of Sepoys, who, no Doubt, will ere long be reconciled to the Reform, and, being disengaged from the Pursuit of other Objects, exert themselves more than ever in training and disciplining the Corps committed to their Charge.

“24. You will be satisfied, on examining the annexed Papers, that notwithstanding the great Increase of Field Officers and Captains consequent of the new Arrangements, there will still be an Annual Saving on the Whole, of near Three Lacks and a Half of Sonaut Rupees, after allowing for the actual Increase of Force gained to the Establishment. But as the Commander in Chief is aware that, exclusive of Pay and Batta, there may be some other Expences incurred by his Regulations, of which he has not taken any Notice, he does not rest their Propriety or Utility on the Head of Saving. He will be satisfied if they should not increase the Disbursements on the Army Account; and though contrary to Appearances as well as to his Hope, they should add in a small Measure to the Military Burthen, he asserts himself confident that the beneficial Consequences which will in due Time result from them, will be abundantly more than adequate to the extraordinary Expenditure they may occasion.

“25. It is unnecessary for us to offer any Remarks on the other Parts of the annexed Regulations. We conceive that they will speak for themselves; and we are particularly hopeful that the prescribed Forms for mustering and paying the native Troops, will convince you that it was our Design (in these Arrangements) to strike at the Root of every Abuse that could possibly affect either the good Order and Discipline of your Forces, or the Rights of the native Soldiery.”

And Your Committee find, that the Governor General and Council, in their Public Letter to the Court of Directors of the 30th of April 1781, Paragraph 49, say, “Our Letter to your Honourable Court of 7th January, now sent to you in Duplicate, made known to you the several Resolutions which we had thought proper to pass for reforming and new-modelling the Corps of native Infantry on this Establishment, and the other Military Regulations established at the same Time. We beg Leave to refer you to that Letter for the several Reasons and Arguments which hath induced us to adopt them; and have only to acquaint you further upon this Subject, that the Promotions and Appointments consequent to the new Regulations, were passed on the First of January, and appear on our Proceedings of that Date.”

Your Committee here remark, that having ordered the above Proceedings of the First of January, 1781 to be laid before them, they find that those Proceedings have not yet been received at the India House, but they annex a List of the Field Officers of the Infantry and Cavalry.

LIST of Field Officers in Bengal on the 9th January 1781, as appears by the List delivered in to the Court of Directors by Major John Scott.

C. — Cavalry Officers.

Lieutenant General Sir Eyre Coote, Commander in Chief of the Forces in India.  
Giles Stibbert, Brigadier General, Commander in Chief.

Colonels,

Gilbert Ironside,  
James Morgan.

Lieutenant Colonels, 14.

Samuel Hampton,  
Sir John Cummings,  
Grainger Muir,  
J. Neville Parker,  
John Tottingham,  
William Blair,  
Arthur Ahmuty,  
Charles Morgan,  
Alex<sup>r</sup> Hannay,  
John Stainforth,  
A. T. Ahmuty — Cavalry.  
Christian Knudson,  
Jacob Camac,  
C. Fisher — Invalids.

Majors, 51.

George B. Eyres — Cavalry.  
John White,  
Cha<sup>r</sup> Ironside,  
Horton Briscoe,  
John Fullerton,  
John Forbes,  
John Edmondson,  
Rob<sup>t</sup> Blane,  
Tho<sup>s</sup> Breton,  
William Jones,  
Robert Kyd,  
William Popham,  
J. W. Crabb,  
Benj<sup>n</sup> Wroe — Cavalry.  
A<sup>n</sup> Macpherson,  
John Erskine,  
Rob<sup>t</sup> Stuart,  
Ed<sup>d</sup> Elliker,  
S<sup>t</sup> Showers,  
Gab<sup>l</sup> Johnson,  
John M<sup>c</sup>Pherson,  
F. Robertson,  
E. Rawstone,  
J. Wedderburne,  
J. Landez,  
Charles Ware,  
Thomas Naylor,  
W<sup>m</sup> Cash,  
Peter Grant,  
Thomas Adderley,  
H<sup>r</sup> Wray,  
S<sup>c</sup> Cockerell,  
Ja<sup>s</sup> Browne,  
John Byrne,  
Isaac Eaton,  
Moses Crawford,  
John M<sup>c</sup>Gowan,  
Alex<sup>r</sup> Hardy,



William Roberts,  
S. Kilpatrick,  
J. Lumsdaine,  
William Duncan,  
William Clode,  
J. Henderson,  
W<sup>m</sup> M<sup>c</sup>Clary,  
Alex<sup>r</sup> Balfour,  
M. Gilpin,  
R<sup>d</sup> Lucas,  
Tho<sup>r</sup> Scott,  
S<sup>r</sup> Ramsay,  
John Scott — resigned.

Your Committee request the Attention of the House to the Orders of the Court of Directors on this Subject, already recited, which limit the Number of Lieutenant Colonels of Infantry to Six, and Majors of Infantry to Nine, and positively forbid the Promotion of any Field Officer by the Governor General and Council. The House will perceive the Establishment now consists of 12 Lieutenant Colonels of Infantry, and 48 Majors; 36 of the latter were made by the Promotion of January 1781.

Before Your Committee concluded their Report on the Subject of Disobedience of the Company's Orders in the Promotion of Officers to superior Rank, they thought proper to insert the following Papers, which they just received.

Extract of Proceedings of the Board in the General, Revenue, and Inspection Departments, respecting Military Matters, from 1st November 1780 to 1st April 1781.

### P R O M O T I O N S.

Dec. 30th 1780. Captain John Scott to the Rank of Major, with a Clause inserted in his Commission, declaring, that when the Officers who are now Seniors to Captain Scott, shall attain the Rank of Major, they shall resume their Precedence over him.

Jan. 5th 1781. Resolved, That the Vacancy occasioned in the List of Lieutenant Colonels on this Establishment, by Colonel Goddard's being appointed a Brigadier General, be supplied by the Promotion of Major Arthur Forbes Auchmuty, who is next in Succession to that Rank; that Major Auchmuty do take Rank in the Army as Lieutenant Colonel from the 14th November, but immediately above Lieutenant Colonel Duff, and in the Infantry from this Day.

Resolved, That Major Christian Knudson and Jacob Camac be promoted to the Rank of Lieutenant Colonels, to rank as such in the Army from this Day, and in the Infantry from the following Date:

Lieutenant Colonel Knudson, from the 2d of January 1781.  
D<sup>r</sup> — — Camac — 3d — D<sup>r</sup> — 1780.

Resolved, That the following Promotions do take place, for the Purpose of carrying into Effect the Military Arrangements which were passed on the 26th ultimo.

Captains advanced to the Rank of Major, to rank in the Army from this Day, and in the Infantry in the following Succession,

Allen Macpherson	to take Rank from	1st January 1781.
John Fiskine	—	2d
Robert Stewart	— —	3d
Edward Ellerker	—	4th
S. H. Showers	— —	5th
Gabriel Johnson	— —	6th
John Macpherson	— —	7th
Francis Robertson	—	8th
Edward Rawlone	—	9th
John Wedderburne	—	10th
John Landy	— —	11th
Charles Ware	— —	12th
Thomas Naylor	— —	13th
William Cooke	— —	14th
Peter Grant	— —	15th
Thomas Adderley	—	16th
Henry Wray	— —	17th
John Cockerell	— —	18th
James Browne	— —	19th
John Byrn	— —	20th
Isaac Eaton	— —	21st

Moses Crawford	—	—	22d
John M'Gowan	—	—	23d
Alex' Hardy	—	—	24th
W <sup>m</sup> M'Roberts	—	—	25th
Sam <sup>l</sup> Kilpatrick	—	—	26th
John Lumldain	—	—	27th
William Duncan	—	—	28th
William Clode	—	—	29th
John Henderson	—	—	30th
W <sup>m</sup> M'Clary	—	—	31st
Arthur Balfour	—	—	1st February 1781.
Martin Gilpin	—	—	2d
Richard Lucas	—	—	3d
Thomas Scott	—	—	4th
Silvester Ramsay	—	—	5th

**LIST of Captains senior to Captain John Scott, received per Swallow, 10th June 1782**

William Bruce,  
James Crawford,  
John M'Donald,  
Richard Burton,  
George Wright,  
William Palmer,  
Edward Clarke,  
Christopher Gough,  
James Buchanan,  
Edward Curfey.

By this List, the House will perceive that the Governor and Council of Bengal, on the 30th December 1781, promoted Captain John Scott, Aid de Camp to the Governor General, to the Rank of Major, in direct Disobedience to the positive Orders of the Court of Directors, and thereby superseded Forty-six Captains who were his Seniors at the Time that Promotion took place; and as no Reason is assigned for this extraordinary Promotion, to the Prejudice of so many of his Senior Officers, but on the contrary, it is declared in Major Scott's Commission, that when any Officers who were his Seniors shall attain the Rank of Major, they shall again resume their Precedence over him; and as Major Scott quitted India very soon after his Promotion, Your Committee are at a Loss to account for the Motive of the Governor General and Council's Disobedience of the Orders of the Directors, unless it was to give the Rank of Major to the Person whom the Governor General determined to send to England in the Character of his Agent.

Your Committee were on the Point of closing their Report upon the Subject of Disobedience of the Orders of the Court of Directors by the Governor General and Council, when they received the following Papers from the East India House.

**Extract of Bengal Secret Consultations, the 27th April 1781.**

Extract of a Letter from Sir Eyre Coote to the Governor General and Council, dated 1st March 1781.

The News-papers are replete with Promotions and new Arrangements in the Military on the Bengal Establishment, of which I am by Appointment the immediate Commander in Chief. I need not define how far my Powers rendered a Reference for my Approbation, if not my express Sanction, necessary to such Innovations; nevertheless, they have been framed, approved, and executed without being thus qualified, are now in Force without the least public Report having been made me of them. I protest against the Whole as irregular, unmilitary, and burthening the Honourable Company with an enormous additional Expence, which I am clearly satisfied there was no Necessity for incurring, and much less at a Time when the Company's Funds can so ill afford it.

There is yet one more Circumstance which appears to have attended these late military Innovations, and which, of all others, is the most immediately deserving of public Notice. By the List of Promotions, as inserted in the News-papers, many of the Officers who accompanied me from Bengal on the present Service, have not only been passed over in the common Rotation of Promotions, but have all, excepting one, been excluded in the Distribution of Commands, to which their Seniority

gave them an undoubted Right. I shall not, after what I have already said of the Indignities offered in other Respects to my Authority, enlarge upon the Addition furnished by the above Instance, although it is of all the most pointed against myself, and an Injury of that Complexion to the Officers who suffer by it, for which no Excuse can be alleged, unless it may be said, that by being in a most dangerous and difficult War, the Chance of returning to enjoy their Right is against them. In short, Gentlemen, I see so little Credit to be derived from acting in my Capacity of Commander in Chief in India, whilst its Powers and Privileges are liable to be wantonly arrogated by others, that I declare nothing but my Attachment for the Welfare of my Nation, and the very critical Situation of the English Interests in India, would delay a Moment in exonerating myself from a Charge so irksome and unthankful. Nor will I deny myself the Satisfaction of committing in this Place to record, that I ascribe the Whole of these late Encroachments upon the Rights of my Station to the Governor General, as he now unites in his own Person the whole Powers of Government, and who in his Public Character I had a Right to have expected far different Treatment from.

Ordered, That the above Letter lie for Consideration.

Extract of Bengal Secret Consultations, the 21st May 1781:

Read a Letter from Lieutenant General Sir Eyre Coote, recorded on the Proceedings, of the 27th ultimo.

The Governor General acquaints the Board, That he has been informed by Brigadier General Stibbert, that Copies were regularly transmitted by him to Sir Eyre Coote, of the Military Arrangements passed on the 26th December; at all Events, whether this had or had not been the Case, such Communication was not due to the Commander in Chief from the Board. Reports and Returns are always made by the inferior to the superior Authority, not by the superior to the inferior; but upon Sir Eyre Coote's Principles, that Rule is entirely reversed.

Agreed, That the following Letter be written to Lieutenant General Sir Eyre Coote.

(Extract.)

Sir,

In a Letter which we lately wrote to you, we acknowledged our Receipt of yours of the 1st of March, which reached us on the 21st ultimo, and promised to reply to it as soon as the Ships under sailing Orders should be dispatched. As it did not contain any Matter requiring an immediate Reply for the Public Service, and could not but be unpleasing whenever received, we were not very solicitous to answer to it in the midst of more pressing Occupations, and now do it more in Compliance with official Rule than Inclination.

We are persuaded, upon a temperate Review of your Letter, you will not entirely approve the Spirit in which it has been written, or deem it incumbent upon us to conform in our Reply to the same Terms of Expression which you have been pleased to make use of to this Government.

Severe Animadversions upon Measures in which you have not a Concern, and for which you are not in the least responsible, and much more, such as had your express Participation, are as useless as the Impression which you seem to have received of an intended Injury done by us to your Character and Authority is mistaken and ill-founded; neither the Instructions given to Colonel Pearse, nor any other Acts of this Government, of which you think proper to complain, have been intended to invade your Character or Rights, nor can we understand by what Construction you have so understood them. On the contrary, the most conspicuous Instances have been afforded by us of our Desire to raise and advance both, by the great Efforts which we have made to enable you to follow your public Duties with Vigour and Success, and by making these the common and primary Object of almost the whole Business of our Administration.

Occupied as you have been in close Attention to an important Trust, which could not but employ all your Time and Care, we thought it would have been as incompatible with your Situation as with the Urgency of the Cases themselves, in every material Instance to have consulted you upon every military Arrangement, and especially such as were rendered immediately necessary to supply the Deficiencies occasioned by our extraordinary Exertions for the Support of the Campaign; and it would have been as derogatory from the Authority which we possess, to have made Reports of them to you; this was the Province of the actual Commander in Chief of the Forces on this Establishment; and from him we understand that he took an early Occasion to transmit Copy of those of the 26th December, to which we suppose your Letter alludes.

Your Protest against Orders and Arrangements which have passed under your Authority, in which you had no Concern, nor could be allowed an effective Voice, and which you profess not to have seen, is in its Nature invalid; yet we are sorry to see it recorded on our Proceedings, and much more so to see it coloured with such Marks of personal Displeasure, because we wish, on all Occasions, not only to yield you our most cordial Support and Confidence, but that you may be impressed with a true Sense of it, and equally with that Confidence in our Disposition towards you, which is necessary to our mutual and effectual Co-operation.

We have made our Answer to your Letter as short as possible; we hope that there will be no further Occasion for a Correspondence of this Nature, assuring you on our Part we will afford no Cause for it, and are determined to have very little Share in it.

Extract

Extract of Bengal Secret Consultations, the 7th September 1781.

Extract of a Letter from Sir Eyre Coote to the Governor General and Council; dated Choultry Plain, 30th July 1781.

Although an Attention to the Dispatch of the Ships under sailing Orders induced you to postpone the Answer you have since been pleased to favour me with in reply to my Letter of the 11th March, I trust that you did not on that Account also deny it the then Opportunity of appearing before our Superiors, even with all its Faults; as, however much I may have mistaken my Province, in expostulating at this Distance on Acts of that Government whereof I am myself a Member, possessing a separate Trust, which they tend to affect, I am convinced I have not, by so doing, failed in my Duty to my Honourable Employers, or in a proper Sense of Regard to their real Interests in the Department which they have done me the Honour to commit to my express Superintendence. What other possible End could the Honourable Company propose to themselves, in the Appointment of a Commander in Chief of all the Forces in India, unless to manage and regulate their Military Department? That such must have been their View in particular, is, I apprehend, strikingly evinced by the Provision they have made for his having a Voice in the Select Committee at each of their Presidencies.

With the Approach of Colonel Pearce's Detachment, the Evils which were so obvious from the late extraordinary Promotion in the Military Establishment at your Presidency, also begin to approach. Remonstrances, replete with Representations of Hardships and Grievances to be suffered by Supercession in Command on the Junction of the Bengal Detachment, are sent me daily by the Officers belonging to this Establishment. They rest their Pretensions to Redress upon their great Length of Services, even as far as Seven Years more than many by whom they will now be commanded; and upon that equitable Rule of Seniority, whereby the Advancement of Rank has hitherto been determined. Sensible that they have experienced an Injury, as what has happened to their irreparable Prejudice has not been the Consequence of the common Casualties of Service, but the Result of a Measure unusual, unmilitary, and unconstitutional, I cannot but feel for their Situation; which I the more lament, conscious that it ought to have fallen to my Lot to have obviated, what my every Desire now to remedy cannot retrieve, unless I were to countenance a similar Measure in this Government, which in Justice to myself, to the Station I fill, and to my Employers, has obliged me to express my Disapprobation of in yours.

I beg to be understood, that in whatever Sentiments I may communicate to your Government, on Subjects entirely Military, I mean not at this Distance to contend any Points which you may have thought proper to decide upon in that Line; at the same Time, I should hold myself highly culpable in the Eyes of my King and Country, if, by passing over them in Silence, I gave room for the Conclusion, that they had been determined with my Approbation.

Ordered that the above Letter lie for Consideration.

Extract of Bengal Secret Consultations, the 5th November 1781.

Extract of a Letter from the Governor General to the Board; dated Benares, the 22d October 1781.

I have read with Satisfaction Sir Eyre Coote's Letter to the Board of the 30th of July. Even those Parts of it which contain an implied Censure on our Measures, the Language of it differs widely from the Terms of that, which we had so much Reason to complain of, in his Letter of the 11th of March: It is liberal, and such as becomes a Man of Character and Station. I am now fixed in an Opinion, which I before entertained, if not expressed to the Board, that the Ground of his unpleasant Differences with us, as apparent in the Course of his Correspondence from the Time of his Arrival on the Coast, is the Formation of the Military Regulations which we passed in the Beginning of this Year, and which he seems to think were framed from Motives of personal Hostility to him, and, without sufficient Reason, purposely to overset those we had passed at his Recommendation in August 1779. Although I cannot suppose such an Idea to exist with the Honourable Court of Directors, or that they can attribute such Motives to our Actions, since it does not appear in what Way they can either affect his Reputation or Interest, if regarded in a vindictive Light, and are too interesting to our own Credit in the Consequences, to have been undertaken without a strong Conviction of their Necessity; yet, as the Reasons for the Measure may not have been completely before them, or may be lightly remembered when these Strictures upon them are read, I must beg the Board's Permission to repeat in this Place, what I have before declared on our Records, and what is sufficiently apparent to any one who will give an impartial Consideration to the Subject, that these Regulations were framed to answer an immediate Exigency of the Public Service, and were resolved on in a State of Affairs very different from that which existed when I gave my Consent to passing those recommended in 1779 by Sir Eyre Coote. The Board will recollect, that when we resolved to detach the Forces under Colonel Pearce to the Coast of Coromandel, the Measure was founded on

a particular Request made to us by the General himself, before he took his Departure from Bengal; and that at the same Time we knew how serviceable such a Reinforcement would be to his Operations on the Coast, the Dangers with which our own Provinces were then threatened by the Neighbourhood of the Berar Army to their Borders, the Effects which a Fear of Invasion might naturally be supposed to have upon the Minds of the timid People of Bengal, and above all, the Consequences that might be expected to arise from the Intrigues of Hyder's Agents with the Country Powers, considerably assisted by his great Success in the Carnatic; so large a Force could ill be spared from the Company's Possessions in this Part of India. It was at the same Time, I believe, within the private Knowledge of the Members of the Board, that even our reduced Force was not actually such as it appeared on the Returns: I mean to say, that had we required instant Service for the Numbers which stood on the Returns, we should have been greatly disappointed. Such was the Practice of the Service, founded upon a very reproachful Custom; and all our Efforts, in the Trial of various and repeated Expedients, to suppress it, had hitherto proved ineffectual. In such a Situation, it became not only absolutely necessary that new Levies should be raised to supply the Loss which we should suffer from the March of Colonel Pearse's Detachment to the Coast, but that the nominal Strength of our Forces should also be its real one. Regulations were accordingly proposed by Brigadier General Stibbert, and resolved on by us, to effect so desirable an End. An Increase of Numbers, adequate to the Loss of Colonel Pearse's Detachment, was to take place, and the Subaltern Officers of the several Companies of the Battalions were separately entrusted with the Pay and Muster of their Corps; and, by the Duties prescribed to them, were made, as far as the Good of the Service would allow, and without intruding on the Authority necessarily vested in their Commanding Officers, a Check upon their Captains. More was yet thought politic and expedient: At the same Time that we resolved upon Measures for maintaining a large Force fit for Duty whenever called on, and on which we might always depend, we determined to increase the Number of our Battalions to a Thousand Men. This Body was called a Regiment, and the Regiment divided into Battalions of 500 Men each. This Diminution of Strength in each Battalion, as it stood on the former Establishment, if known, would appear of little Moment in the Eyes of the Country Powers; and an Augmentation of the Number of our Battalions would impress them with the Awe of an increased Army. Having admitted no private Advantages whatever, and something more than the common Pay of the Rank of Captain being thought due to the Officers commanding so large a Corps as a Regiment of One thousand Men, we resolved on a general Promotion, giving the Commands of the Regiments to Majors, and, by affording them the Pay of that Rank and some other Advantages, placing them above the Necessity or Desire of taking Profits, which we wished to annul. I will add for myself, that I was influenced in giving my Concurrence in the Measure (and I believe that Mr. Wheler was so likewise) by a Desire of shewing some Distinction to a Number of deserving Men, whose Exertions for the Public Service might soon become peculiarly necessary, and who would naturally feel a greater Zeal to do Credit to their Profession when they found themselves placed in higher and more responsible Stations, than if they continued undistinguished in lower ones. This Alteration in our Establishment, separately considered, would of course be attended with some Increase of Charge; but it makes a Part only of a general Regulation, which provides a large Augmentation of Force, yet makes the Expence of the whole Army less than it was upon its former Footing. In asserting this, I am warranted by the Estimates delivered in to us by General Stibbert on the 26th December last, when the new Regulations were under Consideration. The new Regulations being in Force before Colonel Pearse's Detachment went away, it, with the rest of our Army, was modelled by them: It partook with it of the same general Benefit as to nominal Strength, and indeed received some Increase of its former Numbers; for, to make the Arrangement good, we added some Companies, and sent to the General's Assistance a Detachment of Five Regiments of 1,000 Men, instead of Six Battalions of 800. If the Officers on the Madras Establishment have been Sufferers by an Arrangement which the Public Service in this Country has made necessary, I will not censure them for complaining; but I must attribute the Cause to the Measure of breaking our Detachment, and dividing it among the Sepoy Corps of the Madras Establishment; which, however necessary in the Judgment of the Commander in Chief, I recollect to be contrary to the Instructions of this Government, communicated to him when the Detachment moved from our Provinces.

I observe, That Sir Eyre Coote remarks on the Staff allowed to a Major of Colonel Pearse's Detachment, and thenceforth thinks it fit to reflect on the unnecessary Expence which we have permitted to be incurred in the Charges of that Corps. The only Major of Colonel Pearse's Detachment who had a Staff, was Major Edmonson, expressly appointed Second in Command of it. It has been always usual, I believe, for the Second in Command of so large a Force, to have the Staff which was allowed to Major Edmonson; but it was not intended, nor was it necessary, that it should be continued to him longer than he held that Station, and therefore, when he no more was Second in Command, as would be the Case when a Junction was effected between the Detachment and the main Army, he of course would lose the Rights and Properties of the Office.

Your Committee cannot in this Place avoid recommending, in a particular Manner, to the Attention of this House, the Protest of Sir Eyre Coote, Commander in Chief of the Forces in India, against those Military Arrangements which have in Part been the Subject of this Report; and they must also observe to the House, that although this Protest was dated Madras, 1st March 1781, and

and appears on the Bengal Consultations of 17th February 1781, yet it does not appear that it was transmitted to the Court of Directors until the latter End of December 1781.

Mr. Francis, having stated to Your Committee, That the Company's Orders relative to the Re-instatement of Mr. Fowke and the Restoration of Mahomed Reza Cawn, were at length carried into Execution by his personal Interposition with the Governor General; he was repeatedly desired by Your Committee to explain to them what he meant by his personal Interposition? He referred Your Committee to sundry Papers annexed to his Letter of the 12th October 1780, to the Court of Directors, as containing a full Account of the Transactions betwixt him and Mr. Hastings, which began with an Accommodation and terminated in a personal Difference, of which the Court of Directors had been informed; and he therefore requested that the Committee would rather refer to those Papers than to his Personal Evidence on this Question.

Your Committee then examined the Papers referred to by Mr. Francis, and find, that in a Minute he delivered in Council, dated 11th September 1780, he calls upon the Governor General in the following Words: "If in the Accommodation which took place, any Thing was done or proposed by me for my Advantage, directly or indirectly, or if any Thing was done or proposed for the Advantage of any other Person whatsoever, beyond what was publicly known and avowed (I mean the Re-instatement of Mahomed Reza Cawn, Mr. Fowke, and Mr. Bristow, in Conformity to the Company's Orders) I call upon him to declare it. That of Mr. Bristow's was the only Point of the Three which I yielded to suspend until the Month of October, or until the first Advices of the Season from the Court of Directors."

Your Committee cannot pass over without Observation, a Matter which materially affects not only the Independence of the Individual Members of the Council General, the Decorum and Dignity which ought to be scrupulously preserved by those who are in such Stations, but endangers the very Existence of the established Government of India, when the first executive Officers of Government, unmindful of their great Public Trust, so far forget the Duties of their Stations as to decide by Arms their Political Differences of Opinion on Matters of State. Your Committee think it their Duty to call, in the most particular Manner, for the Attention of the House to those Papers which explain the Rise and Progress of this extraordinary Event, and which are inserted in the Appendix N° 11.

Your Committee will close this Report with earnestly recommending to the serious Attention of the House, the following Extract of a Letter from Sir Eyre Coote to the Court of Directors, dated at Fort Saint George, the 29th January 1782.

"Since my Departure from Bengal, the Military Arrangements of that Establishment, and which I had formed with so much Labour and Attention to the Company's Interests, and what appeared to me best calculated to promote good Order and Discipline, and to ensure to them the Utility of that important Department of their Service, have, under the Wisdom and Authority of the Governor General, undergone a total Change, and upon such a Plan as has nor can answer no one good Purpose; unless having entailed upon the Company's already much-exhausted Finances, a heavy and burthensome additional Expence, can be considered as such. Subversive as they have been of all Military Order, and destructive of every Idea of real Service, it is impossible for me to charge myself with that Share of Responsibility which is inseparable from the Station I fill of Commander in Chief in India. The swelling of the Bengal Military List with the Creation of such a Number of Field Officers, and the Advancement of the inferior Rank in Proportion, has been productive of a Grievance severely felt by the Company's old and experienced Officers on this as well as on the Bombay Establishment, as acting as they are upon the same Services, it has been attended with all the Hardships incident to Supercession. The Officers also in His Majesty's Service, whilst acting in this Country, suffer from this new Arrangement: The Sentiments I delivered to the Governor General and Council on that Subject are contained in my Letter to them of the 1st March.

"I cannot however bring this Epistle to a Conclusion without remarking on the late extraordinary Excursion of the Governor General to the Upper Provinces of Bengal; and on the still more extraordinary and unaccountable Measure of appointing himself Commander in Chief of the Army: How he has conducted himself in that Capacity, will become known to you by the Accounts from the Bengal Government. When I first heard of the Rebellion at Benares, I felt the most sensible Anxiety, seeing it as I did, big with Consequences which would unavoidably have struck at the very Root of our Existence in Bengal, and thereby have destroyed the only remaining Pillar to the British Interests in India: Had the Contagion extended itself to our more interior Possessions, I fear, that in the then Disposition of the Bengal Army, it would have become formidable to a Degree far beyond our Ability to suppress. I consider it then in a Light of the greatest good Fortune that the Evil received so early a Check, and rejoice most sincerely that it was brought to so favourable a Crisis. I cannot, however, banish from my Recollection the unhappy Omission of not furnishing the Guard that arrested the Rajah with Ammunition; and to which I believe may in a great Measure



“ Measure be ascribed all the subsequent Misfortunes which ensued. It is an Occurrence the more to  
 “ be wondered at, possessing, as Mr. Hastings, and I suppose every other Person there, did, a previous  
 “ Knowledge of the Rajah's contumelious Temper, and having, as appears from what has been  
 “ since declared, a confirmed Suspicion of his Attachment to the English Government ; if any Thing  
 “ could awaken Minds to Caution, surely Symptoms so strikingly alarming as these ought to have  
 “ had the Effect.”

---

# A P P E N D I X.

---

## N<sup>o</sup> 1.

Extract of Letter from the Court of Directors to the Governor and Council of Bombay, dated 31<sup>st</sup> March 1769.

Par. 41. **T**HE opening a Negotiation with the Marattas, was a very proper Measure; and Mr. Mostyn acquitted himself therein highly to our Satisfaction.

42. The Demands made on them in Return for the Advantages they were to expect from our Successes against Hyder Ally, were also very proper; Salsette and Bassein, with their Dependencies, and the Marattas Proportion of the Surat Revenues, were all that we seek for on that Side of India.

43. These are the Objects you are to have in View in all your Treaties, Negotiations, and Military Operations, and that you must be ever watchful to obtain, always attentive to convince the Country Powers, these are and ever will be the utmost Limits of our Views on the Western Side of India.

---

## A P P E N D I X, N<sup>o</sup> 2.

Extract of the General Letter from the Court of Directors to the President and Council of Bombay, dated the 12<sup>th</sup> Day of April 1775.

Par. 53. **I**T is with much Concern we learn from your Records, that we are not likely to obtain Salsette from the Marattas by Negotiation; we however disapprove your Resolution to take Possession of that Island by Force, in case of the Death or Deposition of Ragoba; and hereby positively prohibit you from attempting that Measure, under any Circumstances whatever, without our Permission first obtained for that Purpose.

~~A P P E N D I X, N<sup>o</sup> 3.~~

PROCEEDINGS RESPECTING MR. JOHN BRISTOW.

( A )

Extract of Secret Consultations, Fort William, 15th December 1774.

**A**S the Commission originally granted to Colonel Galliez was only for a temporary Purpose, and as the Board have already agreed to appoint a Civil Servant of the Company as Resident at the Vizier's Court, the Governor General proposes to the Board, that they should now make this Appointment; as it is evident, that were the Person who may be so appointed to proceed immediately, in case the Vizier complies with Colonel Galliez's Demands, the Colonel's Commission must be expired before the new Resident could arrive there.

Agreed, That the Governor General's Proposal be deferred for Consideration until Monday next.

( B )

Extract of Secret Consultations, Fort William, 21st December 1774.

Refused the Consideration of the Governor General's Proposal, deferred for Consideration from the 15th Instant.

The Governor General gives in the following Minute:

The Governor General, conceiving that the Reasons assigned for Mr. Middleton's Recall from his Station of Resident at the Court of the Vizier, will of course operate to preclude him from the Nomination now before the Board, moves, That the Honourable Mr. Frederick Stuart be nominated to the Office of Resident at the Court of the Vizier, and Agent on the Part of this Government.

In making this Proposition, the Governor is in Part influenced by One Consideration, which at any other Time, or on any other Occasion, would have had little Share in directing his Judgment. His Estimation of Mr. Stuart's Abilities and Judgment is very high; but he considers that at this particular Time the Connections of Mr. Stuart, and the Opinions commonly entertained of the Dignity and Credit of his Family, will have greater Weight on the Mind of the Vizier, (whose Pride and Ambition are his predominant Qualities, and whose Fears may be alarmed by the late Measures of this Government, which, for want of a due Knowledge of the Motives that produce them, he may conceive to proceed from a Disposition in this Administration adverse to him and to the Engagements subsisting between him and the Company) than any other Qualifications which might fall to that of the Person who might be entrusted with the Charge of the Negotiations between him and this Government, and thereby keep him steady in his Attachment to the Company, and punctual to his pecuniary Engagements, which at this Time are the chief Objects of our Concerns with him.

For Mr. Stuart's Assistance in the Discharge of this Trust, which, from the Variety of Accounts now depending with the Vizier, and from the Probability of other incidental Affairs, which may occupy his Attention, is likely to be a laborious one, the Governor General proposes, that Sir John D'Oyly be appointed to accompany him in the Quality of his Assistant; for which Office he is peculiarly qualified by an ample Acquaintance with the Persian Language, having, since the Absence of Mr. Redfearn, the Persian Translator, whose Assistant he now is, transacted all the Business of that Office with much Ability and Assiduity.

(Signed) W. H.

Mr. Francis delivers in the following Minute on the Governor's Question:

Before I give my Answer to the Governor General's Proposition, I beg Leave to observe upon the Minute with which it is introduced, that when I gave my Voice for the Recall of Mr. Middleton, it was not upon the Idea of any Offence or Demerit in him; I had no Reason to think personally ill of him at that Time; I have Reason to think personally well of him at present; my Ground was public; I understood that he was the Public Resident of the Company at the Vizier's Court; I

asked

## A P P E N D I X, N° 3. (B)

asked to see the Whole of his Correspondence with this Government ; I was then told that he was the private Agent of the Governor, who refused to communicate the Whole of his Correspondence to the Board. I thought that an Office of that Nature should not be continued, and that the Person who held it ought to be recalled to the Settlement, in order that the Board might obtain from him those Explanations which were refused by the Governor. If his Conduct in this Respect should prove satisfactory to the Board, I should think him a very proper Person, from all that I have heard of his private Character and tenor of his Proceedings, to come under the favourable Consideration of the Board for the Office of Public Resident. As the Governor General however has proposed that the Appointment should be immediately made, and as the Necessity of the immediate Appointment has been repeatedly urged to the Board, I yield to the Governor's Proposal to have it determined this Day. I mean not to agree to the Nomination of a Resident proposed by the Governor General, for affirmative Reasons, which I think ought to influence my Judgment in this important Choice. My Respect for Mr. F. Stuart however, and for those high Connections which he has in England, oblige me to say, that if I do not accede to the present Nomination, it is not owing to any personal Disrespect to him, or Inattention to them ; on the contrary, I should think myself happy in having an Opportunity, where the Public Service did not in my Judgment require from me more than barely having an Objection, to shew him the real Respect I feel for his Person and high Family. This Voice of course includes a Negative to the Nomination of Sir John D'Oyly, whose Assistance otherwise I do not doubt would have been indispensably necessary to Mr. Stuart, in the Knowledge and Use of the Persian Language.

(Signed) P. Francis.

Mr. Barwell declares his Sentiments as follows :

I am for the Nomination of Mr. Stuart. Independent of those Particulars which have Weight with the Governor General, from a long Residence in the Country, I have had Opportunities of becoming acquainted with all the Servants of the Company ; and from my Knowledge of the Service, I can venture to affirm there is not a single Character in it that can boast superior natural Talents to Mr. Stuart : And if the Consideration alone, of understanding the Persian Language, is to sway in Appointments of Importance, and where it is more absolutely requisite than in a subordinate Sphere, it is an Objection against the first Characters of the Settlement, and incapacitates them from all political Intercourses. For these Reasons, I do sincerely and heartily wish, for the Promotion of the Public Service, that Mr. Stuart should be appointed Resident at the Vizier's Court, and Sir John D'Oyly his Assistant.

Colonel Monson's Opinion ; viz.

My Motives for giving my Opinion for the Recall of Mr. Middleton from the Vizier's Court, did not arise from any Disrespect to him ; but, considering him as a Person in a Public Character, I thought his Correspondence necessary for the Inspection of this Board ; and as that was denied, I judged proper to give my Opinion for his Recall. With regard to Mr. Stuart, the Gentleman now proposed to be his Successor, I respect him as a Man of distinguished Rank ; his Abilities I honour, as they are represented by the Governor General and Mr. Barwell to be of an extraordinary Extent ; these Considerations have their due Consequence with me : But when I reflect that Mr. Stuart has not as yet appeared in any Public Character, I must consider him at present as a Person improper for this weighty Charge, which has for its Object the cementing of the Friendship between the Company and the Vizier, and the obtaining large Sums of Money said to be due from him ; and therefore I must refuse my Assent to the Governor's Proposal.

General Clavering delivers his Opinion in the following Words :

It having been determined by the Board to recall Mr. Middleton, for Reasons that have been so properly assigned both by Colonel Monson and Mr. Francis, it now only rests with us to consider the Propriety of the Governor General's Recommendation of the Honourable Mr. Frederick Stuart for this Appointment : In which Nomination, however desirous I am of shewing my personal Regard for this Gentleman, and my Respect for his Family, I think it my Duty only to consider the Fitness of the Person to take Charge of so great a Trust as will be reposed in him ; and as I have another Person in my Eye, whom I imagine the Board will deem fitter for such an Employment, from his general Knowledge of Business, and his particular Acquaintance with the Persian Language, I am under the Necessity of giving my Negative to the Governor General's Proposition.

Resolved by the Majority of the Board, that the Governor General's Proposition be not agreed to.

General Clavering now proposes, that Mr. John Bristow be appointed Resident at the Vizier's Court, as qualified for it from his general Knowledge of Business, and his particular Acquaintance with the Persian Language.

The Governor General objects to this Proposition, because, in his Judgment, Mr. Bristow is not qualified for the Office neither by his Knowledge of the Persian Language, nor by any distinguished Abilities.

Agreed, that the Question above proposed by General Clavering be put.

## A P P E N D I X, N<sup>o</sup> 3. (B) (C) (D)

Mr. Francis delivers the following Reply :

I am happy in hearing a Gentleman named for this high Office, to whose Appointment I can safely give a positive Approbation. I know him to be a Man of Sense, Industry, and Judgment; I have positive Reasons to think that he understands the Persian Language, as well from the Assistance he has favoured me with in the Letters I have received and answered, as from his public Office of Translator to the Khalsa; this Office implies Knowledge of Business, Knowledge of Accounts, and Knowledge of Language. I do not insist upon his English Connections, though in this Respect few Gentlemen are better connected than Mr. Bristow.

I agree to the Proposition.

(Signed) P. Francis.

I beg Leave to explain to the Board, that by the Word *positive*, used in this Minute, I mean no more than a Contradistinction to *negative*, which I had used in my former Minute.

(Signed) P. Francis.

Mr. Barwell—I cannot assent to the Nomination of Mr. Bristow, for the following Reasons :

Because I think when a Proposition from the Chair is over-ruled, there ought to be very good Grounds for such a Measure; the Preference given to the General's Nomination undoubtedly speaks Inattention to the Governor; besides, in this Particular I think the Governor should have been considered, as he is, the Channel of Public Correspondence, and should be supported at the Head of this Government in the Eyes of the Princes of India. This Character he will scarcely maintain, if a Gentleman in Opposition to his Sentiments goes the Public Agent to the Court of the Vizier.

(Signed) R. B.

Colonel Monson—I assent to the General's Nomination, as I suppose Mr. Bristow to be a Person qualified for the Trust from the Station which he now fills.

The Governor General dissents from the Proposition.

Agreed, by a Majority of the Board, that Mr. Bristow be appointed Resident at the Court of Sujah Dowla.

Mr. Francis moves, that the Resident at the Vizier's Court be allowed an Assistant out of the Company's covenanted Servants.

Agreed, That an Assistant be allowed him accordingly.

## ( C )

Extract of Secret Consultations, Fort William, 28th December 1774.

Mr. Francis moves, That suitable Appointments be settled for the Support of the Company's Resident at the Court of the Vizier, and a Salary for his Assistant.—The Board will undoubtedly take into their Consideration the Rank and Importance of the Office, and the extraordinary Expence which must necessarily attend its being supported with Credit and Propriety. Mr. Francis begs Leave to observe further, that as this is an Appointment of a Public Minister on the Part of the Company to the Vizier, it will be highly expedient that his Rank and Character should be supported with Dignity, as well for the Honour of the East India Company, as to give Weight and ensure Success to his Negotiations. Mr. Francis further moves, That a Draught of Instructions to Mr. Bristow be forthwith prepared by the Secretary, and submitted to the Board; and that Mr. Bristow may have Access to such of the Papers and Records in the Secretary's Office, as have Relation to the Affairs of the Company in their Political Connection with the Vizier, or which may otherwise be necessary for Mr. Bristow's Information.

Agreed, That Mr. Bristow have the same Appointments and Allowances, as Resident at the Vizier's Court, which were granted to Mr. Middleton in that Station, viz. One thousand Sicca Rupees per Month, and Captain's Double Batta in lieu of travelling Charges.

Agreed, That for the Present, the Appointment of an Assistant to Mr. Bristow be deferred; but that in the mean Time he be allowed Two hundred Rupees per Month for a Secretary, with Captain's Double Batta for his travelling Charges.

## ( D )

Extract of Letter from the Governor General and Council of Fort William, in their Secret Department; dated 4th January 1775; received in London 18th July 1775.

Par. 5. It having been resolved that a fixed Resident at the Court of the Vizier should be appointed from the Company's Civil Servants, the Governor General lately thought fit to propose the Honourable

## A P P E N D I X, N<sup>o</sup> 3. (D) (E)

able Frederick Stuart for that Trust; but the Governor General's Proposition was not agreed to. Mr. Bristow being afterwards proposed by the General; and this Proposal obtaining the Concurrence of the Board, he was appointed accordingly, with a Salary and Allowances similar to what Mr. Middleton enjoyed in the Employment which he held at that Court.

### ( E )

Extract of the Proceedings of the Governor General and Council of Bengal, in the Secret Department, the 2d December 1776.

The Governor General moves, That Mr. John Bristow be recalled from the Court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the Appointment of Resident at that Court.

Mr. Francis—I beg Leave to ask the Governor General, Whether he means the same Office which Mr. Middleton before held at that Court, which I think the Word “restore,” seems to imply?

Governor General—I do not, in the Sense in which Mr. Francis seems to understand it; the Court of Directors having expressed their Disapprobation of the Channel through which he was to receive his Instructions, that is no Part of my present Proposal; but that I may not be misunderstood, I beg leave to correct my Motion, and to propose, which is in Effect only what I meant by the preceding, That Mr. Bristow be recalled from the Court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the Appointment of Resident at that Court, subject to the Orders and Authority of the Governor General and Council.

Mr. Francis—My Determination to withdraw myself from an unavailing Contest with the present Majority of the Board, does not depend on any Act of theirs; Motives of personal Interest or Animosity did not dictate to me the Line which I have hitherto followed in Public Affairs, nor shall they have any Influence over my future Conduct.

Without affecting to conceal my own immediate Sense of the Injustice done to Mr. Bristow, I need look no where but to the Measure itself for Arguments to oppose it; a Proposition to remove him from a Situation he has filled with distinguished Credit to himself and Advantage to the Company, and for no other avowed Reason, but to give his Place to another, is open to Objections too serious and important in a public View, to be mixed with any Consideration of the personal Concern which I may receive from it. Having already mentioned them at the Board, I shall content myself with giving a Negative to the Question, reserving a more formal Declaration of my Opinion on the whole Subject, for a Dissent to the Resolution, which I take for granted will follow the Motion.

(Signed)

Philip Francis.

Mr. Barwell—I assent to the Motion, because I think it a Justice due to Mr. Middleton, and what the Governor General could not avoid taking the first Opportunity of effecting. I have not the least personal Objection to Mr. Bristow; so very far from it, that did I not conceive it would be prolonging the Injury already done to Mr. Middleton, to keep that Gentleman in the Station to which he was advanced on the Removal of Mr. Middleton, I should have been glad to have had him still employed; but I cannot indulge the Wish I have to serve Mr. Bristow, at the Expence of what I conceive the Rights of another.

General Clavering—The Motion before the Board comprehends Two Questions, the Removal of Mr. Bristow, and the restoring Mr. Middleton to the Office of Resident at the Vizier's Court. To enable me to give my Opinion on the First, I must beg the Favour of the Governor General to inform the Board of his Charge against Mr. Bristow, and the Faults which he has committed, that have induced him to make the present Motion for Mr. Bristow's Recall.

Governor General—I bring no Charge against Mr. Bristow, I do not accuse him of any Faults; I know of no Charge that was produced against Mr. Middleton, when he was removed. The Majority of the Board thought it proper at that Time to remove the Public Minister at the Court of the Nabob of Oude, who had received his Nomination from me, and to appoint another in his stead, in whom they had a Confidence. Highly as I esteem the Merits of Mr. Middleton, I will not bring them into an invidious Comparison with those of Mr. Bristow, whom, though totally unknown to me but by his Public Character, I esteem. I have a greater Confidence in Mr. Middleton; and as the Responsibility of all Public Measures, that has been pointedly thrown upon myself and Mr. Barwell, in the numerous Dissents and Protests which have been recorded during the Course of the Two last Months, I claim the Right belonging to that Responsibility, and, constitutionally to the Office which I fill, as the Head and executive Member of this Government, to chuse the Means and Instruments by which it may be exercised, and in the most effectual Manner, for the Good of the Service and the Credit of those who are invested with the Charge of it.



## A P P E N D I X, N<sup>o</sup> 3. (E)

**General Clavering**—I am satisfied with the Answer that the Governor General has given, that he brings no Charge against Mr. Bristow, nor does he accuse him of any Fault. This Declaration will be at least some Consolation to Mr. Bristow and his Friends, and will shew the Court of Directors, that he has not exercised the Trust which has been reposed in him, even in the Governor General's Opinion, unworthily. The Governor General is pleased to say, that he knew of no Charge that was produced against Mr. Middleton when he was recalled; but it is impossible that he can have forgot the Reasons that were assigned for it. It appears in the Consultation 26th October 1774, that the Governor General, having refused to deliver up the Whole of his Correspondence with Mr. Middleton, the Question was proposed and put, That that Gentleman should not be continued at the Nabob's Court any longer; and he was accordingly ordered to withdraw from that Court, and to bring the Whole of his Correspondence with him. The Court of Directors have had this Subject very fully before them; and in their Letter 15th December 1775, they were pleased to disapprove of the independant and separate Authority which had been delegated to the Governor General, and afterwards to express their Disapprobation that any Part of Mr. Middleton's Correspondence had been withheld from the Perusal of the Supreme Council. The Board did not consider Mr. Middleton as a Public Minister, the Term which the Governor General now gives to him, but his own Agent, as he avowedly was acknowledged, both by the Governor General himself, and by Mr. Middleton on his Return to the Presidency; who, in his Letter, recorded the 6th February 1775, declares, That he conceives himself not to be authorized to make any Communication of his Correspondence with the late President, without his express Commands. Such were the Reasons which the late Majority of the Board assigned for the Recall of Mr. Middleton. As no Fault, nor Imputation of Fault or Neglect, is alleged for the proposed Recall of Mr. Bristow, I cannot but object to it as a most unjust and unwarrantable Proceeding. If the Governor General will think proper to defer his Motion till after the Arrival of the Eagle Packet, which may be now hourly expected, it is more than probable that we shall have further Lights than have been hitherto given to us, of the Sentiments of the Court of Directors, both on Mr. Middleton's Recall and on Mr. Bristow's Appointment to the Vizier's Court; I would therefore, with the Governor General's Consent, beg Leave to propose, that this Motion be deferred till after the Arrival of that Ship.

**Governor General**—I think it a Duty incumbent on me to adhere to my Motion. I will not take up the Time of the Board by answering the Objections which have been made to it at this Time, having other Questions which I wish to propose immediately for their Determination.

**Mr. Francis**—I think General Clavering's Proposal in every Respect reasonable and expedient. If the Instructions which we may receive by the Eagle Packet should make no Alterations in the Circumstances or Measures of this Government, it will always be open to the Governor General to pursue his present Plan; the Difference of Time cannot be considerable; but if such Instructions as this Board have some Reason to expect should arrive, they cannot but produce the immediate Reversal of the present Resolution; and in that case it will have served no Purpose whatsoever, either public or private.

**Governor General**—I would willingly wait for the Arrival of the Eagle Packet, if I thought it was probable that she was on her Road; I have already waited to this Time, in the Expectation of decisive Advices from England; but I repeat, that, charged as I am, pointedly charged, with the Responsibility of Public Affairs, it is my Duty to avail myself of such Means as may enable me to conduct them for the Public Good and my own Credit. I have Intelligence which convinces me, that no Public Measure of any Consequence respecting this Government, could have taken place in England so late as the Month of June last; this News, though not of official Authority, is come to me sufficiently authenticated for my own internal Conviction. I must therefore object to the General's Motion.

**Mr. Barwell**—The Governor General having declined to withdraw his Motion, and the Opinion I have already given being direct to the Governor's Motion, it precludes my saying any Thing to the General.

**General Clavering**—I am concerned that a Motion which I have made to prevent the daily Alteration of Measures, which is a Disgrace to all Governments, should not have been accepted, particularly when the Object of it was to learn the clear and decisive Opinion of the Court of Directors, as well on the Subject now before the Board as on many others of the highest Importance to this Government; it is therefore sufficient that I declare my Dissent to the Removal of Mr. Bristow; and I cannot agree to the Appointment of Mr. Nathaniel Middleton, till he has acknowledged the Authority of this Government, in submitting to give up the Papers which were before required of him; as this is a positive Order of the Court of Directors, a Refusal from him can no longer be admitted.

**Mr. Francis**—I beg Leave to ask the Governor General, at what Time he received his latest Intelligence from England?

**Governor General**—About the Middle of August; I believe 14th of August.

**Mr. Francis**—I took the Liberty of asking this Question, because the Governor General has said, that he has waited to this Time in the Expectation of decisive Advices from England; that Expectation must have been founded on the Intelligence which he received on the 14th August, and as he has not received any Advices since that Period, I do not comprehend what new Motive or Consideration induces him to give up the Expectation of those decisive Advices for which he has hitherto waited. If he has hitherto expected the Arrival of the Eagle Packet, or of Intelligence by any other Channel, there is no apparent Reason why he should not still expect them.

Governor

# A P P E N D I X, N<sup>o</sup> 3. (L)

Governor General—I have not expected the Eagle Packet; and I think the Season is now too far advanced for Intelligence to be received for some Months yet to come, by the Route through which I received my last Letters from England, which was by the Port of Suez, and through the Red Sea.

Some Arguments arising, respecting the Regularity of the previous Question proposed by General Clavering, for suspending the Consideration of the Governor General's Motion;

Governor General—To bring the General's Motion more regularly before the Board, I desire that the Question may be put, Whether my Motion shall be deferred till the Arrival of the Eagle Packet?

Mr. Francis—The General's Motion cannot be more regularly put than it was by himself. I entirely approve of it.

Mr. Barwell—I look upon this in the Light of a previous Question, Whether the Governor General's Question shall be put, or not? I have already acquiesced to its being put, and must therefore put a Negative upon this Motion.

General Clavering agrees to the Motion.

Governor General—I again object to it.

Resolved, That the Board do not agree to General Clavering's Proposition, for deferring the Consideration of the Governor General's Motion until the Arrival of the Eagle Packet.

General Clavering—The Court of Directors having been pleased, in the 28th Paragraph of their Letter of the 15th December 1775, to declare that Mr. Nathaniel Middleton's Correspondence with the late President, should have been addressed to the President and Council, or speedily and unreservedly laid before them by the President, and to express their Disapprobation, that any Part thereof had been withheld from the Perusal of the Supreme Council, I move, that before the Consent of this Board be obtained for the Appointment of Mr. Nathaniel Middleton to the Vizier's Court, that the Orders, or at least the plain and direct Intentions of the Court of Directors, be complied with.

Mr. Francis—If any Respect be due to the Sense of our Superiors, or if we expect Submission to our Authority hereafter, the Propriety of this Motion, I conceive, cannot possibly be disputed. The Court of Directors, and a General Court of Proprietors, have unanimously resolved that the Whole of Mr. Middleton's Correspondence with the Governor General ought to have been laid before the Board; and the Court of Directors express their strongest Disapprobation of the Refusal to communicate such Correspondence entire to us. As long as no Proposition was made for employing Mr. Middleton, and as the Public Service did not longer require that we should receive that Communication for our Guidance, it was needless to renew the Requisition to Mr. Middleton. I would now have it renewed upon the single Ground of the Obedience he owes to Government; and I should think that the Governor General himself, although he might have Reasons to avoid insisting upon it at that Time, when the Requisition only proceeded from General Clavering, Colonel Monson, and myself, will now see the Necessity of enforcing it, as a Duty imposed upon this Board by the whole Authority of the East India Company.

Mr. Barwell—This is the Second previous Question that has been put upon the Governor General's Motion; it comes indeed in a new Dress, but still it is the previous Question, for if it was not to restore Mr. Middleton to his Rights, and the Governor General did not think it incumbent on him so to do, I apprehend the Motion would not have been made. I acquiesce with Mr. Francis, that there would have been no Necessity for calling upon Mr. Middleton for his Correspondence at this Juncture, if the Governor had not proposed to employ him; as is evident, from the Length of Time that has elapsed since the Receipt of the Company's Letter, and the Call now proposed to be made upon Mr. Middleton, the Company have disapproved of the Governor General's not giving his Correspondence entire, although what he did submit contained the Whole of the Public Transactions; but as they throughout cautiously avoid imputing the least Blame to Mr. Middleton, I do not see that the Governor's Conduct can be a Bar to any Appointment that may be proposed for that Gentleman, I regard the Motion as a Second previous Question, and put my Negative upon it.

General Clavering agrees to the Motion.

Governor General—I object to the Question, upon the single Ground of its being directly contrary to the manifest Intentions both of the Court of Directors and the General Court of Proprietors. Neither of these Courts have ordered that Mr. Middleton's Correspondence with me should be laid before the Board. This, together with the Recall of Mr. Middleton and the Appointment of Mr. Bristow, were the first Subjects which were referred to their Decision. Their Opinions, though solemnly given, express neither Approbation or Disapprobation of the Recall of Mr. Middleton or the Appointment of Mr. Bristow, but leave those Subjects open to any Change which might afterwards be proposed respecting either. Upon my Refusal to deliver up Mr. Middleton's Correspondence, the Court of Directors have expressed their Disapprobation that any Part thereof had been withheld from the Perusal of the Supreme Council; but though it should obviously follow, if such was their Intention, that I should, on Receipt of their Orders, deliver up the Correspondence which I had before improperly withheld, yet no such Order, nor Intimation of such an Order, appears in any Part of the General Letter quoted by the General; and the Court of Proprietors, in express Terms, confine their Approbation of the Opinion delivered by the Court of Directors to the Time past; they too agree with the Opinion of the Court of Directors, that the whole Correspondence between the Governor General and Mr. Middleton should have been laid before the Members of the Supreme Council, adding, as the Reason, the following Words, "who ought to have received every Information respecting the Transactions of the Company's Agents at Sujah Dowla's Court, in order to regulate their Conduct at that critical Period." Forgetfulness may be imputed to Individuals, but

## A P P E N D I X, N<sup>o</sup> 3. (E).

but it is impossible to suppose that Twenty Men, of known Abilities and Experience in Business, should have omitted so necessary an Order, or left it to be gathered by Implication from an Opinion given upon a Subject past; much less can such an Inadvertency be imputed to the whole Body of Proprietors.—I object to the Motion.

The following Motion of General Clavering's is resolved in the Negative; viz.

“ That before the Consent of this Board be obtained for the Appointment of Mr. Middleton to the Vizier's Court, that the Orders, or at least the plain and direct Intentions, of the Court of Directors be complied with; viz. that Mr. Nathaniel Middleton's Correspondence with the late President should be speedily and unreservedly laid before the Board.”

Resolved, That Mr. John Bristow be recalled to the Presidency from the Court of the Nabob of Oude, and that Mr. Nathaniel Middleton be restored to the Appointment of Resident at that Court, subject to the Orders and Authority of the Governor General and Council, conformably to the Motion of the Governor General.

Mr. Francis—I beg Leave to enter my Dissent from the Resolution of the Board, for the following Reasons:

1<sup>st</sup>. Mr. Bristow's Removal is not founded on any Plea of Necessity or of Advantage to the Public Service, but solely on the particular Confidence which the Governor reposes in Mr. Middleton.

2<sup>d</sup>. It is not founded on any Plea of Incapacity or Demerit in Mr. Bristow, or even of superior Qualifications in the Person who is to succeed him.

3<sup>d</sup>. It is in effect a Disavowal of, and Contradiction to, the unanimous Declarations which the Board have repeatedly made, as well to himself as to the Court of Directors, of the high Sense we all entertain of his Services to the Company, and which I am happy to find is not yet diminished in any of us. The following Passages from the Records will shew, that, however we might differ, as we did on many other Questions, Mr. Bristow's Conduct united every Opinion in his Favour.

In our Letter of the 3<sup>d</sup> August 1775, we informed the Court of Directors, that “ Mr. Bristow's Conduct in negotiating and bringing to a happy Conclusion, the important Business committed to him, notwithstanding the Difficulties which were at first thrown in the Way, was very meritorious; and that, as the signal Service he rendered the Company, in the Acquisition of so great an additional Revenue, afforded us the Means of acknowledging his Services without any Charge on their ancient Fund, we determined to reward him by a Present of One Lack of Rupees.”

While such distinguished Testimonials accompany Mr. Bristow's Dismissal, the present Resolution touches nothing but the Honour of the Board, and the Consistency of their Proceedings. Our Letter to Mr. Bristow himself, demonstrates still more strongly the Board's unanimous Approbation of his Conduct; we told him,

“ We entirely approve of every Article in the Treaty, and of the Negotiation of it.”

We said, that “ In ratifying a Treaty so highly honourable and advantageous to the Company, as that which you have had the Honour of concluding with the Nabob, we cannot, in Justice to your distinguished Zeal and Assiduity in the Course of this important Negotiation, omit expressing to you the highest Approbation of your Conduct, and returning you our Thanks for the Service you have rendered to the Company. The Terms you have obtained are so complete and satisfactory, that they equal our warmest Expectations; and you may be assured, that we shall not fail to represent the Whole of your Conduct since your Appointment, to the Honourable Court of Directors, in that favourable Light in which it appears to us, and in which we do not doubt it will be received by the Company.”

“ As a further Mark of Favour and Approbation, we have agreed to order a Bond to be made out in your Favour, for One Lack of Rupees, bearing Interest at Five per Cent. from the 21<sup>st</sup> May, being the Date of the Signature of the Treaty; subject however to the final Approval of the Honourable the Court of Directors, to whom we shall recommend it, as a just Reward of your Services.”

The intended Reward however has not been received by Mr. Bristow. It would not be improper to insert in this Place, a Copy of the whole Treaty of Fyzabad, since there is not a Line of it that does not in Effect arraign the Justice of the present Resolution. I shall however only mention those Two Articles in Favour of the Company, in which a less faithful Servant, and a less honourable Man, might have used the Latitude allowed him by his Instructions, and easily have compounded for Abatements, yet still have preserved the Credit of having rendered an essential Service to his Employers: I mean the Acquisition of a Net Revenue of Twenty-three Lacks, with all the Rights of the Nabob over the Country of Benares, and of Six Lacks a Year in Addition to the Subsidy. The Company, I trust, will long preserve the Possession of these Acquisitions, as well as a grateful Sense of the Ability and Integrity to which they owe it.

4<sup>th</sup>. At a Time when the Establishment of our Ally the Nabob of Oude is represented to be insecure, and when some extraordinary Measures are recommended for protecting his Dominions against a Foreign Invasion, I deem it in the highest Degree hazardous to the Welfare of his Government, and of course to our own, to remove a Man, thoroughly acquainted with the Affairs of that Country, and with the political Interests, Views, and Connections of all the Indian Powers that surround it; and that

## A P P E N D I X, N<sup>o</sup> 3. (E) (F) (G).

that if the Measure were otherwise defensible, many Circumstances, which peculiarly belong to the present Conjuncture, ought to have deterred the Board from adopting it.

5th. The present Resolution appears to me an Attack on the Authority of the Company themselves; who are informed of Mr. Bristow's Appointment, who have left it unreserved, and who have expressly adopted and confirmed the Principles on which Mr. Middleton was recalled.

6th. Supposing the present Majority not to be bound, by any Obligation of Public Duty, to maintain an Uniformity of Councils in the Eyes of the Indian Powers, and to preserve some Appearance of Dignity and Consistency in the Operations of this Government; and supposing that the Governor General and Mr. Barwell have no Rule to consult, but the Extent of their present Power, to direct them in the Use of it; still I affirm, that, on any Principles they can possibly avow, the Recall of Mr. Middleton is not a Precedent to justify that of Mr. Bristow: The Records will shew, that the Motives on which the late Majority acted, were solely of a Public Nature. We deemed it a Violation of the Constitution of this, or any Government not vested in a single Person, that the chief Member of it, who is no more than First among his Equals, should transact the Affairs of the Government through the Channel of a private Agent, receiving Instructions from him alone, and answerable to him alone for the Execution of them. The Honourable Court of Directors themselves tell us, "that the Conduct of the late Council in this Respect was very improper;" they expressly order, "that no such independent or separate Authority be ever delegated to any Governor or Member of Council, or to any other Person whatever;" and they declare, "that Mr. Middleton's Correspondence should have been addressed to them, or speedily and unreservedly laid before them by the President."

If the Public Principle on which we professed to act, be now clear and incontrovertible, it will appear, from the strongest presumptive Evidence, that we did not assume it to cover any secret, unwarrantable Purpose. The Governor General himself will acquit us of partial Views to the Establishment of any other Person at the Expence of Mr. Middleton; he cannot but recollect that General Clavering, Colonel Monson, and myself, made him a Tender of continuing Mr. Middleton as the Public Resident of the Company; which the Governor thought fit to decline. With respect to Mr. Bristow, I most solemnly declare, that his Name for this Appointment was not, to my Knowledge, in Contemplation with any Member of the Board, till a considerable Time after Mr. Middleton's Arrival in Calcutta. If vindicative Measures were in any Case capable of a Justification, it could only arise from a Comparison with other Measures of the same Temper; but even on this Principle, the Removal of Mr. Bristow has no Plea to support it.

### Extract of Letter from the Governor General and Council to Mr. Bristow.

Having thought proper to recall you to the Presidency, and to restore Mr. Nathaniel Middleton to the Station of Resident at the Vizier's Court, we direct, that on his Arrival at the said Court, you immediately deliver up to him the Charge of that Appointment, and repair to Calcutta.

## ( F )

### Extract of the Secret Letter from Bengal, dated 19th December 1776.

Par. 5. We beg Leave to refer you to the Consultation of the 2d Instant, for our Proceedings upon a Motion proposing the Recall of Mr. Bristow from the Vizier's Court, and the Restoration of Mr. Nathaniel Middleton to the Post of Resident at that Court, under the Orders and Authority of the Governor General and Council. The Motion, after some Debate, was carried in the Affirmative; and Mr. Middleton has accordingly been restored to that Appointment.

## ( G )

### Extract of the Company's General Letter to Bengal, dated 4th July 1777.

Par. 11. Upon the most careful Perusal of your Proceedings of the 2d of December 1776, relative to the Recall of Mr. Bristow from the Court of the Nabob of Oude, and the Appointment of Mr. Nathaniel Middleton to that Station, we must declare our strongest Disapprobation of the Whole of that Transaction.

Par. 12. We observe, that the Governor General's Motion for the Recall of Mr. Bristow, includes that for the Restoration of Mr. Nathaniel Middleton; but as neither of those Measures appear to us necessary, or even justifiable, they cannot receive our Approbation.

Par. 13. With respect to Mr. Bristow, we find no Shadow of Charge against him. It appears that he has executed the Orders of the Board to the entire Satisfaction even of those Members of Council who did not concur in his Appointment. You have unanimously recommended him to our Notice.

Attention

A P P E N D I X, N<sup>o</sup> 3. (G) (H) (I)

Attention to your Recommendation has induced us to afford him Marks of our Favour, and to re-annex the Emoluments affixed by you to his Appointment, which had been discontinued by our Order. And as we must be of Opinion that a Person of acknowledged Abilities, whose Conduct has thus gained him the Esteem of his Superiors, ought not to be degraded without just Cause, we do not hesitate to interpose in his Behalf; and therefore direct, that Mr. Bristow do forthwith return to his Station of Resident at Oude, from which he has been so improperly removed.

( H )

Extract of the Company's General Letter to Bengal, dated 23d December 1778.

Par. 149. We have likewise permitted Mr. John Bristow to return to his Rank in the Service, and to the Station which he held at the Vizier's Court; and to which he was restored by our Order of the 4th of July 1777.

( I )

Extract of the Proceedings of the Governor General and Council, in their Public Department, the 22d May 1780.

Read the following Letter from Mr. Bristow:

Honourable Sir, and Gentlemen,

I beg Leave to represent to your Honourable Board, that I arrived at the Presidency on the 16th February last. Not having yet been put in Possession of the Office of Resident at the Vizier's Court, in which I had the Honour of being re-instated, agreeable to the Orders of the Court of Directors, dated the 4th of July 1777, and the 23d December 1778, I think it my Duty to address your Honourable Board, with an humble Request to carry the abovesaid Orders into Execution. I make this Application in consequence of my Solicitations to the different Members of the Board, to move for my Re-instatement, having been repeatedly refused by every Member individually; and it being now incumbent on me to make a public Claim of my Right.

In Justification of my Conduct, in not having immediately on my Arrival requested to be forthwith put in Possession, I humbly represent, that I understood my Re-instatement ought to have been moved by a Member of the Board. Under other Circumstances my Conduct might be deemed premature; but, situated as I am, after Three Months Solicitation in vain, I hope, our Honourable Superiors will do me the Justice to consider the Delay in my Application a Point of Delicacy to your Honourable Board, and no Want of Attachment to them, or Zeal for their Service. I have never given my Consent to being held out of my Office; and I mean by this Address, to efface any bad Impressions that might be entertained of me in thus long suspending a Claim grounded upon the highest Authorities.

I also beg Leave to represent, I was removed from my Office the 2d of December 1776, after having for Two Years successively received the unanimous Approbation of your Honourable Board. Our Honourable Superiors have since likewise been pleased to favour me with Marks of their Approbation; notwithstanding which I am treated with Neglect by your Honourable Board; and the Members individually have positively refused to do me the Justice I have every Right to claim. In order to discharge my Duty to our Honourable Superiors, I humbly solicit that it may be recorded upon your Proceedings, I have neither directly nor indirectly consented to my Right having been thus long withheld from me.

In Justice to Sir Eyre Coote, I take the Liberty of mentioning, that I have the Honour of a Letter from him, under Date the 3d of last Month; in which he declares his Determination of supporting the Orders of the Court of Directors in my Favour.

Fort William,  
11th May 1780.

I have the Honour, &c.  
(Signed) John Bristow.

Ordered, That it be circulated to the different Members of the Board.



( K )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 2d October 1780.

Mr. Francis moves, That the 11th, 12th, and 13th Paragraphs of the Company's General Letter of the 18th July 1777, and the 149th Paragraph of the General Letter of the 23d December 1778, be now read.

Read the above-mentioned Paragraphs of the Company's General Letters of the 18th July 1777, and 23d December 1778.

Mr. Francis moves, That in Obedience to the Company's Orders, Mr. Bristow be forthwith appointed and directed to return to his Station of Resident at Oude; and that Mr. Pulting be ordered to deliver over Charge of the Office to Mr. Bristow, immediately on his Arrival, and return himself forthwith to the Presidency.

Also, that the Governor General be requested to furnish Mr. Bristow with the usual Letter of Credence to the Nabob Vizier.

The Governor General—Before the Board enter into the Consideration of this extraordinary Motion, I must beg Leave to offer some Observations upon it. Were the most inveterate and determined Adversary of the British Nation to possess, by whatever Means, a Share in the Administration, he could not devise a Measure in itself so pernicious, or time it so effectually for the Ruin of the British Interests in India, as that now introduced to the Board. Mr. Francis alone is conscious of his own Motives and Intentions; I can speak only to their Tendency. We are at this Instant involved in a new War with perhaps the most powerful of all the States in India; which has opened with a Calamity so dreadful, as to require the most immediate and vigorous Exertions of this Government to prevent what must otherwise be the Consequence, the total and speedy Loss of the Carnatic, and of all the British Establishments and Possessions in that Part of India. To ward off this impending Danger we have, besides immediate Preparations of War, resolved to offer a Peace, on their own Terms, to the Marattas, with whom we have been, during the past Two Years, engaged in a hazardous, though hitherto successful War. At such a Time to proclaim an entire Subversion of the Influence of this Government (for such must be the Effect, whether it be or be not the Intention, of the present Question) will be to defeat every End of the Measures on which we have lately resolved; to give Encouragement to our Enemies, by the Prospect of an inverted, fluctuating, or divided Government; and discourage those to whom the Advances of this Government are made, when they see the Person in whose Name they are offered, and to whom alone they look as the representative Instrument of the British Nation in India, treated at the same Instant with Contempt, and disarmed of the Power of fulfilling the Engagements, and maintaining the Faith of the Treaties offered by him for their Acceptance. I will ask, who is Mr. Bristow, that a Member of the Administration should, at such a Time, hold him forth as an Instrument for the Degradation of the First executive Member of this Government? What are the professed Objects of his Appointment? What are the Merits and Services, or what the Qualifications, which entitle him to such an uncommon Distinction? Is it for his superior Integrity, or from his eminent Abilities, that he is to be dignified at such Hazards of every Consideration that ought to influence the Members of this Administration? Of the former I know no Proofs; I am sure it is not an Evidence of it, that he has been enabled to make himself the Principal in such a Competition; and for the Test of his Abilities, I appeal to the Letter which he has dared to write to this Board, and which I am ashamed to say we have suffered. I desire that a Copy of it may be inserted in this Day's Proceedings, that it may stand before the Eyes of every Member of the Board when he shall give his Vote upon a Question for giving their Confidence to a Man, their Servant, who has publicly insulted them, his Masters, and the Members of the Government to whom he owes his Obedience; who, assuming an Association with the Court of Directors, and erecting himself into a Tribunal, has arraigned them for Disobedience of Orders, passed Judgment upon them, and condemned or acquitted them, as their Magistrate and Superior. Let the Board consider, whether a Man possessed of so independant a Spirit, who has already shewn such a Contempt of their Authority, who has shewn himself so wretched an Advocate for his own Cause, and Negotiator for his own Interest, is fit to be trusted with the Guardianship of their Honour, the Execution of their Measures, and as their confidential Manager and Negotiator with the Princes of India?—As the Motion has been unaccompanied by any Reasons which should induce the Board to pass their Acquiescence in it, I presume that the Motion which preceded it, for reading the Orders of the Court of Directors, was intended to serve as an Argument for it, as well as an Introduction to it. The last of those Orders was dictated the 23d December 1778, almost Two Years past. They were dictated at a Time when, I am sorry to say, the Court of Directors were in the Habit of casting Reproach upon my Conduct, and heaping Indignities on my Station; at a Time when their Affairs in every Part of India wore the Aspect of Prosperity; at a Time too when the Renewal of the Company's Charter was in Contemplation, and a new Settlement of Government was required for the Administration of these Provinces. It was certainly their Intention or Expectation, that I should be immediately removed from this Government, and some other Person substituted in my Place. To what Causes the Suspension of this



## A P P E N D I X, N<sup>o</sup> 3. (K)

this Design is to be ascribed, I shall not enquire; but since they themselves have thought it proper to continue me in the chief Administration of their Affairs, I shall not offer so gross an Insult to their Understandings, or Impeachment of their Integrity, as to suppose that they could ever think it consistent with the Interests and Security of their Constituents to deprive me of those Authorities and Sources of Influence which can alone enable me to fulfil the Duties they have assigned me, and on the Foundation of which so heavy a Responsibility rests on me particularly. The relative Situation of the Governor General and of the other Members of the Council, has not indeed been defined by the Act of Parliament which has constituted their collective Authority; but in all Instances in which that Act has been silent, the Powers and Practice of the former Government were declared by the Act itself to subsist unchanged. By the ancient and immemorial Constitution of the Company, the executive Authority of every Presidency was committed to the First Member of it; He was declared the immediate and sole Agent in all Negotiations and Transactions with the Country Powers, and his Name alone was announced to them as the Representative of the Government; as the Government, let it then be considered how far the Principles and obvious Design of this Prerogative are generally connected with the Question now before the Board, independantly of the peculiar Circumstances which attended it. ~~The Removal of Mr. Middleton~~, my Agent at the Court of the Nabob of Oude, was the first Act of a Majority of this Administration in the Year 1774, to proclaim the Annihilation of my Authority; and the Effect most completely answered that Intention; for from that Moment I was considered, both at the Court of Oude, and in every other Court which had any Connection with this Government, in no other Light than as the constrained Instrument of exercising an Authority which had been established on the Ruins of my own. Such must be the evident Effect of the present Question if it shall be carried against me. I will not carry this Argument to the further Lengths or Conclusions to which it would warrantably lead me; but I do most solemnly adjure the other Members of the Board, that, unless they think me totally unqualified to execute the Functions of my Station, they will not give their Sanction to a Measure which must reduce me to the State of a nominal Member of it, which shall take the Reins of Administration from my Hands to place them in those of Mr. Francis, and which, by subverting the natural Order of the Constitution, must deprive it of its Vigour by whomsoever it may be occasionally held. While they pay that Obedience and Respect which I am as ready as they are to yield to the Orders of the Court of Directors, let them compare the Situation of Things as they stood at the Time when these Orders were issued with the present, and let them imagine what Orders the Court of Directors would at such a Period as this pass on such a Question. If they think, but it is impossible to suppose it, that a Body of Men, so respectable in their Characters and in their Rank of Life, would, at a Time like this, consent to degrade and disarm the First Instrument of their Authority, let them give their Votes for the Question; if not, let them act by their strongest Conviction of what would be the Orders of the Company in the present Case, not what it is, applied to one which it was impossible for the Company to have foreseen. I again call upon them most solemnly to support my Authority, and at the same Time their own Rights and their Reputation, which are connected with it both in its immediate Effect and its remoter but inevitable Consequences.

Mr. Francis—I believe no Man living will seriously attribute to me the Character of a determined and inveterate Adversary of the British Nation. It is well known to every Man in India, that if Mr. Wheeler's Advice and mine, for these Three Years past, had been regarded, or if our unremitted Efforts had availed any Thing, this Government would not have been in the distressing Situation to which it is reduced by a Series of other Measures, adopted and pursued in Opposition to our Sentiments. But I have done with Controversy. If the Company's Orders are not binding on this Government, if they convey no positive Right to Mr. Bristow, his Pretensions fall to the Ground. If the contrary be true, the Question is simply, whether the Orders shall be obeyed, or not? In the Governor's Minute, I see no Connection between the Premises and the Conclusion; I see no Proportion between the Mischiefs supposed to follow from Mr. Bristow's Re-appointment, and the Cause which is to produce them. The other Members will judge for themselves; but I foresee many Mischiefs and Dangers of the first Magnitude, from this Government contracting a Habit of disobeying the Company's Orders. Their Authority is the only Link by which this Dominion is held by Great Britain; if that Authority be not binding on us, or if we may wave it when we think fit, I know not through what other lawful Medium the superior State can exercise its Jurisdiction over the Inferior.

The Question applied personally to Mr. Bristow, might, with equal Reason and Propriety, be applied to Mr. Middleton, Mr. Hosea, Mr. Purling, or any other Gentleman in the Company's Service. The Paragraphs of the Company's Letters which have been read, contain a compleat Answer to them; and if they do not, I am not bound to take any Part in such Questions, since I rest my Proposition on the Grounds of the Company's positive and repeated Orders.

Governor General—I pass Mr. Francis's Minute, availing myself of it, only to assert my own Pretensions on the very Ground on which he supports his Question; and on this Occasion Mr. Wheeler will pardon me, if I address myself in a more particular and pointed Manner to him. He was my Superior at the Time I held this Government under another System; he was, during some Part of that Time, the Chairman of the Court of Directors; and on him I venture to call, as an Evidence of the implicit and effectual Obedience which I paid to the Commands of the Court of Directors in every Instance in which they thought it proper to put my Fidelity to the Trial. For this, my Reputation, my Ambition, my Interest, and private Feelings, were severally taxed; yet in all that Period I never suffered any Consideration to prevail for a Moment in Opposition to my Duty, and to the Confidence

which they generally reposed in me. In Return, I claim from him that Portion at least which he can bestow, of the Reward which was due to such Services performed with such Sacrifices; and as he once did me the Honour to think me deserving of his Applause, I hope that now I shall receive his Support. He will well remember the Instances to which I allude, and the Belief entertained by many at the Time in which those Orders were issued, that I should either refuse or evade the Execution of them.

Mr. Wheeler—The high Sense which the Court of Directors entertained of the peculiar Merits and Abilities of the Governor General, at a Period alluded to in the foregoing Minute, were more conspicuously marked by their Choice and Appointment of him to the exalted Station which he now holds, than they can possibly be by any particular Instance at this Time recited by me; a general Compliance with the Company's Orders, I am persuaded constituted no small Part of those Merits which at that Time met with the unanimous Reward of the Court of Directors. I am equally desirous to support the Authority of the Governor General at this Period, as I was when in a different Situation, happy in promoting those Ends which I thought most conducive to his Honour, and to the general Interest of the Company's Affairs; but in the present Contest I cannot effect it without a Sacrifice of that Power, from whence I conceive he derives his Authority. The Orders of the Court of Directors are too pointed and strong to leave me a Choice. I must therefore give my Assent to the Motion in Support of them.

Sir Eyre Coote—At a Time when I am so engaged in the Public Concern, I little expected that any Question of a private Nature would be agitated at this Board, that could possibly interrupt the Harmony of it, and that at a Time when that Harmony is so necessary for carrying on of the Public Service. The Question to me is of so much Magnitude that I must beg Leave to defer giving my Opinion on it till To-morrow.

The Governor General informs the Board, That for the Purpose of concluding this Debate, he shall request their Attendance in this Department again To-morrow Morning.

Deferred the further Consideration of Mr. Francis's Motion until To-morrow Morning.

( L )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 3d October 1780.

Renewed the Consideration of Mr. Francis's Motion, recorded on Yesterday's Proceedings.

Sir Eyre Coote delivers in the following Minute:

After having created the Board the Trouble of a Second Meeting on the Question which formed the Subject of Yesterday's Debate, and for which I trust its Importance, my own Situation at this Juncture, and my being without any previous Knowledge until I arrived in Town in the Morning, that such a Business was likely to come before us, will plead Excuse; it is not my Intention to encroach further on their Time by tedious Argument or Discussion.

Whilst I am bound in Honour by my Opinion, recorded on the Proceedings of this Board on a former Occasion, to support all Orders received from the Court of Directors subsequent to my Arrival in this Country; I nevertheless hold it a Duty equally incumbent upon me as a Member of this Administration, appointed under the Authority of an Act of Parliament, and to which Tribunal of the British Constitution we are ultimately responsible for the due Execution of the important Trust committed to our Charge, the Care of the Interests of the English Nation in India, to judge how far in following such Orders I am likely to injure that First Object of our Attention.

The late Requisition made of me by this Board, to take upon me the Command of the Army at Madras, and the Grounds upon which that Requisition was made, render it altogether unnecessary for me to bring forward on this Occasion, Arguments in Proof of the very critical State of the Interests of the Company and the English Nation in India; our unanimous Agreement on the Measure, and our subsequent Resolutions to carry it into Force, evince its Expediency, and which I flattered myself had been the Result of a disinterested Conviction in the Mind of every Member of this Board, and of a Determination to allow no Objects to interpose, which could have a Tendency to obstruct the successful Execution thereof. That the Restoration of Mr. Bristow at this Time, to the Charge of the Residency at Lucknow, will produce Effects highly prejudicial thereto, I have not a Doubt of, as it will generate in the Minds of every Power of Hindostan, that the Governor General is carrying on Treaties with them which he has not the Power to ratify; and will produce on their Part, Consequences destructive to all Negotiation, Indecision and Procrastination. The Necessity of avoiding every Step that can give Rise to such Impediments, at the very Time the Governor General is negotiating, under the Sanction of this Board, Terms of Peace with the Marattas, I am persuaded is too obvious to every Member of it to require Elucidation; and that they see it as a Conduct highly inseparable from the real Purpose of their Resolves, to give him every possible Support both in Word and Action, for the Accomplishment of a Business in which the Interests of the Public are so essentially concerned.

In short, although my former Declarations, added to the Rule I had laid down for my Conduct in

## A P P E N D I X, N<sup>o</sup> 3. (L)

in all Cases where I could have the Orders of the Court of Directors for my Guide, obliges me to give my Voice in Favour of Mr. Francis's Motion; I nevertheless see, and am so thoroughly convinced, of the great Necessity there is, in the present critical Conjunction of our Affairs in India, of supporting the Governor General, as the First Instrument of our Administration, that I here declare I will most heartily join with him in any Measure he can devise, whereby the ill Effects of the Change at Lucknow may be obviated, and the World in general be convinced that he is still in Possession of that Authority in the Administration of the Public Business, so absolutely requisite for the Support of our Government.

In urging these Sentiments, I am naturally led to reflect on what may be my own Situation in the Execution of that Duty which I am on the Eve of undertaking; the Operations of which may be materially injured by any Measure which in the least impede the Negotiations set on Foot by the Marattas. I therefore, as a Duty I owe myself and the Public Welfare, call upon every Member of this Board to give me such Testimony of their Determination to support me in the Prosecution of a Service so important in itself and in its Consequences, as that, when once entered on, I may not be exposed to the Apprehension of Failure, from a Doubt of not receiving that ample Assistance from them which the Nature of the Undertaking renders so indispensably necessary, and which they alone can afford.

(Signed)

Eyre Coote.

Mr. Francis's Motion carried in the Affirmative.

Mr. Francis—If the Commander in Chief will state on what specific Points he wishes to obtain from me a Testimony of my Determination to support him in the Prosecution of the Service which he is going to undertake, I dare say I shall be able, as I am sure I am desirous, to give him every Satisfaction he can desire. If the Request be left generally, I can only answer it by a general Assurance to him, that it is my Determination to support him. The Reinforcement of Men, and the great Supply of Money, which he will carry with him, will empower him to act for a considerable Time at least; and if there be any thing else he wishes for, I only beg it may be stated.

Mr. Wheeler—I have already given my feeble Support to all the Measures that have yet been proposed for the Restoration of our Affairs in the Carnatic, by the Governor General, with the Concurrence of the Commander in Chief. I am ready to go yet further, and to remove every Interruption to the General's Measures in a Quarter where I apprehend they might possibly be opposed. I doubt not but I am understood.

The Governor General—It is unnecessary for me to give Assurances to the General of my particular Support, after having been the Mover of the Measures which so essentially require his Personal Execution of them, and of the Request made to him so urgently by this Board, to undertake the Conduct of them. I regard the Interest, and eventually perhaps the Existence of this Government, to be dependent on the Success of his Operations; and declare I will, at all Hazards, make this my first and invariable Object.

The Governor General delivers in the following Minute.

I cannot, consistently with what I consider due to the Dignity and Authority of my Public Station, and to my own Character and Feelings as a Man, consent to affix my Signature to the Letters of Credence or Instructions of Mr. Bristow, as Resident at the Court of Oude. The Court of Directors, after having in their first Instructions to this Government, expressly enjoined every Member of the Board not only to be guided by the Voice of the Majority, but also to subscribe to all Letters, Orders, Acts, and Measures, resulting from the Decisions of such Majority, have since thought proper to compliment General Clavering and Mr. Francis upon their Departure from this Rule, in Instances where their Sentiments have not accorded with those of the other Members of the Board. This will be a Justification to me in the Resolution I have taken; for whatever Law is binding on one Member of the Administration must certainly be so to the Whole; and although it is a Latitude I neither approve, or should in general wish to avail myself of, yet in this very particular Instance I trust I shall stand acquitted not only to my Employers but to the whole World. I must therefore desire, that the Board will devise some other Means of notifying Mr. Bristow's Appointment to the Vizier; and as they have thought it incumbent on them, as a Point of official Duty, to receive and put in Force an antiquated Order of the Court of Directors in Favour of Mr. Bristow, which, for the Reasons assigned in my Minute of Yesterday, will necessarily be considered by all the Country Powers as a Supercession of my Authority, I am yet willing to hope, that the Board will not only listen to but afford me their Support in a Motion which I shall beg Leave to make, with a View to repair the Injury which I conceive my Public Station has sustained; and avert in some Degree the prejudicial Effects which this Measure cannot fail to produce on our Affairs.

I propose, That Mr. Bristow's Appointment be limited solely to the Conduct of such Political Negotiations, Correspondence, and Transactions, as this Government may now, or at any future Period, be engaged in with the Vizier, and in no Shape whatever to interfere in any Matters respecting our pecuniary Engagements with his Excellency; that a separate Agent be appointed by us to that Trust, whose Duty it shall be to receive, collect, and manage, the Tuncaws or Assignments which have been or may hereafter be granted by the Nabob for the Liquidation of the Claims of this Govern-

# A P P E N D I X, N<sup>o</sup> 3. (E)

Government upon him; that he be intrusted with the Adjustment of all Accounts relative to those Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to his Excellency's own Military Establishment under British Officers, &c. remitting the Residue of his Collections immediately to us; and that he be directly amenable to our Authority and Orders, and in no Respect whatever dependent on or connected with the Office of the Resident. And as Mr. Purling cannot continue with a diminished Commission, and as it now becomes, more than ever, necessary that I should have a Person in Station in those Provinces, not only in whom I can confide, but who is publicly known to be attached to me, I propose Mr. Middleton for the above Office, hoping to meet with the Concurrence and Support of the Board.

Sir Eyre Coote—I agree to the Governor General's Proposal, of the Appointment of Mr. Middleton to the Office mentioned, not because Mr. Purling may not continue at Lucknow with a diminished Commission, but because Mr. Nathaniel Middleton is a Person publicly known to be attached to the Governor General. The Necessity of the Times requires an Appearance of that Kind.

Mr. Wheler—I object to the Question.

Mr. Francis—The Office described in the Motion is the same which Mr. Bristow held before, and which has been held since by Mr. Middleton and Mr. Purling. I know no Reason why it should be diminished and so materially altered when it is given to Mr. Bristow: I therefore cannot consent to the Proposition. At the same Time, it is a Matter of Indifference to me, by whom the Duties, proposed to be vested in Mr. Middleton, are exercised.

The Governor General's Motion carried in the Affirmative.

Resolved accordingly, That Mr. Bristow's Appointment be limited solely to the Conduct of such Political Negotiations, Correspondence, and Transactions, as this Government may now, or at any other Period, be engaged in with the Vizier; and that he in no Shape whatever interfere in any Matters respecting our pecuniary Engagements with his Excellency.

Resolved, That Mr. Nathaniel Middleton be appointed Agent on the Part of this Government, for receiving, collecting, and managing the Tuncaws or Assignments which have been, or may hereafter be granted by the Nabob for the Liquidation of the Claims of this Government upon him; that he be entrusted with the Adjustment of all Accounts relative to these Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to his Excellency's own Military Establishments under British Officers, &c. remitting the Residue of his Collections immediately to us; and that he be directly answerable to our Authority and Orders, and in no Respect whatever dependant on or connected with the Office of Resident.

Mr. Francis moves, That as the Governor General declines signing the Letter of Credence for Mr. Bristow, Mr. Bristow's Appointment may be communicated to Mr. Purling by the Board, with Directions to make it known to the Vizier.

Agreed to.

Ordered, That Mr. Charles Purling be directed to deliver over Charge of all the Papers hitherto held by him, which have Relation to the Office to which Mr. Bristow has been appointed, to Mr. Bristow; and that he be directed to deliver over Charge to Mr. Nathaniel Middleton, of all the Papers and Accounts of the Office hitherto held by him, which have a Relation to the Office to which Mr. Middleton is appointed, together with the Balance of Cash in his Hands.

Agreed, That the following Letter be written to Mr. Purling.

To Mr. Purling.

Sir,

Having, in consequence of the Commands of the Honourable Court of Directors, thought proper to appoint Mr. John Bristow Resident at his Excellency the Vizier's Court, we direct, that on Receipt of these Orders you make the same known to the Vizier; and that on Mr. Bristow's Arrival at Lucknow, you deliver over Charge to him of all public Papers in your Possession, relative to the Management and Conduct of the Political Negotiations, Correspondence, and Transactions between this Government and his Excellency. And having been pleased to appoint Mr. Nathaniel Middleton our Agent to receive, collect, and manage the Tuncaws or Assignments, which have been or may hereafter be granted by the Nabob for the Liquidation of the Claims of this Government upon him; to adjust all Accounts relative to these Claims with the Nabob and his Ministers, and to make the requisite Disbursements to the Paymasters of the Company's Troops stationed in the Vizier's Dominions, as also to his Excellency's own Military Establishment under British Officers, &c. we direct, that on Mr. Middleton's Arrival at Lucknow, you deliver over Charge to him of such Papers in your Possession as relate to these Offices: And after the Execution of these Orders, we require that you forthwith return to the Presidency.

Fort William,  
3d October 1780.

We are, &c.

# A P P E N D I X, N° 3. (M) (N)

## ( M )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 9th October 1780.

Governor General—The Governor General proposes Messrs. Richard Johnson, John Charles Middleton, and Trevor Wheler, as Assistants to the Collector of the Vizier's Assignments to the Company, requesting the Concurrence of the other Members of the Board.

(Signed) Warren Hastings.

Agreed. { E. Wheler,  
                  E. Coote.

I agree to the Appointment of Mr. Trevor Wheler, and I acquiesce in the other Two; without departing, however, from my Objection to the Measure on which these Appointments are founded.

(Signed) P. Francis.

## ( N )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 26th October 1780.

The Governor General recommends the following Instructions to Mr. Middleton :

To Mr. Nathaniel Middleton, Collector, &c. of the Vizier's Assignments to the Honourable Company.

Sir,

Having thought proper to appoint you Agent on the Part of this Government, for receiving, collecting, and managing the Tuncaws or Assignments which have been, or may be hereafter granted by the Nabob of Oude, for the Liquidation of the several Claims of the Company upon him, and for the Adjustment in general of all Accounts now depending, or which may hereafter occur between this Government and the Nabob, relative to our pecuniary Engagements with him, we give you the following Instructions for your Guidance in the Execution of that Trust.

Immediately on your Arrival at Lucknow, to which Place we require you to proceed with all convenient Expedition, you will receive from Mr. Purling, or from whoever may be in Charge of the Office of Resident at the Vizier's Court, a general Statement of his Excellency's Account with the Company; a Jumma Wasseel Backey of the Assignments which may have been granted on the present Year's Revenue, and a particular Estimate of the several Claims and Demands which these Assignments are intended to satisfy; including the Balance of the Vizier's Account current with the Company, the estimated Demand for the Maintenance of our Two Brigades and Cavalry stationed for the Defence of his Excellency's Dominions, as well as for his own Troops under the Command of British Officers for the current Year, and, in general, every other Disbursement which may heretofore have passed officially through the Hands of the Resident, with every necessary Information respecting them: And should you find upon comparing these Two Accounts, that Assignments for the full Amount of the several Demands have not been obtained, you will immediately state the Deficiency to the Vizier and his Ministers, and require that it be made good. And as we rely on you for the realizing of his Excellency's Engagements to us, we shall expect that you make the most minute Investigation of the real Value of such Tuncaws as may be given you, rejecting those you find not likely to yield the Amount for which they are granted, and demanding such others, by immediate Application to the Vizier himself and his Ministers, as you deem perfectly satisfactory. And the more effectually to enable you to secure the Collections amidst those Tumults and Disorders which too frequently disturb the Vizier's Government, especially in the remote Provinces, you will apply to his Excellency, whenever you may find it necessary, for the Assistance of such Troops, under British Officers as well as others, maintained by him for the Service of the Collections; and when these should, in your Judgment, prove inadequate to the Service required, which we understand hath frequently been the Case, we authorize you to apply, in Conjunction with the Vizier, to the Commanding Officer at the nearest Station of our Troops, who shall be instructed to furnish you with such Reinforcements as you may require, and he may, with a due Regard to the Safety of his Station, be able to afford you.

We hope that Emergencies which require the Aid of our Troops will not often occur, as we do not approve of their being detached from their Station; or generally employed in the Service of the Vizier's Revenue; and whenever you may find it absolutely necessary to call upon them, we expect to be informed of the Circumstances which may have created that Necessity, and a full Explanation of the Nature and Extent of the Services they are to perform, that we may be enabled to judge of



# A P P E N D I X, N<sup>o</sup> 3. (N) (O)

the Expediency of your Application ; and you will take especial Care that the Company's Troops; whenever thus employed, are not detained from their Station longer than the Service for which they may have been called upon, shall indispensably require.

With respect to your official Accounts, in which we require you to be very punctual, you will continue the same Form as may have heretofore been observed by the Resident, subject however to such future Regulations as may be sent you by us, or the Accomptant General.

• Salary	—	—	—	—	S <sup>a</sup> R <sup>s</sup>	1,200	Your Allowance from the Company we have
House Rent	—	—	—	—		400	fixed at * 1600 Sicca Rupees per Month; and
					S <sup>a</sup> R <sup>s</sup>	1,600	that of your Assistants as follows;
† Salary	—	—	—	—	S <sup>a</sup> R <sup>s</sup>	350	† Head Assistant 410 Sicca Rupees per
House Rent	—	—	—	—		60	Month.
					S <sup>a</sup> R <sup>s</sup>	410	
‡ Salary	—	—	—	—	S <sup>a</sup> R <sup>s</sup>	200	‡ Second Assistant 260 Sicca Rupees per
House Rent	—	—	—	—		60	Month.
					S <sup>a</sup> R <sup>s</sup>	260	‡ Third Assistant 260 Ditto:

But as an Allowance for Writers, Peons, Hircarrahs, Sezawals, &c. will also be necessary, we authorize you to apply to the Vizier, to form such an Establishment for this Purpose as the Service may appear to require.

We enjoin you to be very regular and minute in your Communications with us, on every material Point of your Duty ; and shall furnish you, from Time to Time, with such further Instructions as we may find necessary.

For the present we shall only require your punctual Adherence to the Line we have herein prescribed for the Guidance of your Conduct.

Fort William,  
18th October 1780.

We are, &c.

Agreed to the Instructions proposed by the Governor General to be sent to Mr. Middleton, Collector of the Vizier's Assignments to the Honourable Company.

( O )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 2d November 1780.

Read the following Address from Mr. John Bristow :

Honourable Sir, and Gentlemen,

I have the Honour to acknowledge the Receipt of a Letter from your Acting Secretary, informing me of my Appointment to the Station of Resident at the Court of his Excellency the Vizier, for the Purpose of conducting Political Negotiations; and at the same Time acquainting me, this Appointment does not empower me to interfere, in any Shape whatever, in any Matters relative to the pecuniary Engagements with the Vizier.

As a Servant of the Company, it is certainly my Duty to execute the Orders of your Honourable Board: And after having made this Declaration, I shall not, I hope, be deemed guilty of Disrespect, if I take the Liberty to express my Sentiments on the Appointment you have conferred upon me; that it does not correspond with the Intentions of the Court of Directors, who were pleased to re-instate me in the Office I formerly held in Oude. The Prospect of receiving actual Possession of this Office as soon as I could arrive in India, on the Terms mentioned by the Court of Directors, was the Motive which induced me to return; yet, on my Arrival at this Presidency in the Month of February last, it was my Misfortune to find my Hopes disappointed. And if, after the Anxiety of Expectation during a Period of Nine Months, I am at last directed to undertake the Charge of an Office totally different from that to which the Court of Directors were pleased to re-appoint me, I may, I hope, without passing the Bounds of Respect, expostulate upon what I cannot but deem a Grievance of the most cruel Nature to my Feelings. What I myself experience from Disappointments on this Occasion, by the Loss of Time and Diminution of Fortune, both in my Voyage from England and Residence in this Country, without Office, Salary, or Employment, is a Consideration which applies personally to me alone. There is another, however, of more Consequence to me; the Degradation in the Eyes of the Public and of my Friends; which, in Justice to myself, I am more anxious to explain.

This Task, however, I cannot enter upon without Reluctance, as it obliges me to speak of my own Conduct in Terms which may be censured as the Effect of Self-applause: The Necessity of doing it must be my Apology.

When



# A P P E N D I X, N<sup>o</sup> 3. (O) (P)

When I formerly held the Office of Resident at the Court of Owde, the Business entrusted to my Management was of the greatest Importance. I had the good Fortune to conclude the Treaty now in Force with the Nabob; and on this, and every other Occasion, my Conduct was uniformly honoured with your Approbation, as well as an unanimous Vote of a Lack of Rupees Reward, and a Recommendation of me to the Notice of the Court of Directors. I appeal to your Records for the Facts. I should not recall them to your Remembrance, unless they suggested to me the unpleasing Reflection of the confined Trust now placed under my Charge, and the very flattering Marks of Confidence and Approbation which I then received.

The immediate Advantages accruing to the Company by this Treaty, were the Cession of the Zemindary of Benares, and an Increase of Subsidy, altogether amounting to an additional annual Revenue of Two hundred and Eighty thousand Pounds Sterling to the Company; the Expulsion of the French from the Nabob of Owde's Dominions; and an offensive and defensive Alliance.

The successive Advantages were the Acquisition of a large Body of the Vizier's Troops, not less than Ten thousand effective Men having been put under the Command of British Officers, which in Reality rendered them the Troops of the Company; and the Reduction of the Nabob's Power to such Limits, that, instead of entertaining Apprehensions of him as a formidable Enemy, he was considered as a useful Ally.

I claim the Merit of having been the successful Instrument of executing your Plans with strict Obedience and Integrity; in the Course of which I was often exposed to personal Danger and embarrassing Situations, in which my own Endeavours could alone operate with Effect.

I cannot avoid mentioning, that after enjoying the Office of Resident at Owde for Two Years, during the Whole of which I had constantly been honoured with the unanimous Approbation of your Board, I was recalled, contrary to the Standing Orders of the Court of Directors. I may venture to assert, that no Part of my Conduct had afforded Grounds for my Recall, which would have been the Punishment had I been guilty of Offence; and that on this Occasion, as there was no Allegation against me, I was not called upon for Defence. Although you were pleased to think my Services merited a Recompence, and actually did me the Honour unanimously to pass a Vote in my Favour for One Lack of Rupees, yet I received less than a Third of it; a Gratification in itself honourable, though in a pecuniary Light but moderate. This is the only Public Reward I ever received for my Services, and which, in Comparison of my Recall, I cannot but deem inconsiderable. On any other Occasion I should not have recurred to this Event; as a Testimony in favour of my Public Conduct I cannot omit it. Permit me to trespass upon your Time, by adding, that the Approbation with which the Court of Directors were pleased to distinguish me, and their Re-appointment of me to my former Station, was founded upon the Grounds of the unanimous Recommendations I received from your Board. The Nature of the Office I am now directed to take Charge of, so different in Point of Importance and Responsibility from that which I formerly held in Owde, must afford a general Conviction, that I have lost that Approbation which was formerly so voluntarily and publicly conferred upon my Conduct. The Reasons which have induced this Change in your Sentiments and Resolutions are to me unknown: I can only flatter myself, that I have done nothing to occasion them: The Consequence to me is however severe.

I shall only add, that my Zeal for the Welfare of the Company is undiminished; and I have still the same Inclination I ever possessed, to serve them to the utmost of my Abilities.

Fort William,  
31st October 1780.

I have the Honour, &c.  
(Signed) John Bristow.

## ( P )

Extract of Secret Letter from Bengal, dated 13th October 1780.

A Motion having been made at one of our late Meetings, for the Re-appointment of Mr. Bristow to the Office of Resident at the Vizier's Court, agreeable to your Orders of the 4th July 1777, and 23d December 1778, and this Question having occasioned some Debate, we beg Leave to refer you to the Proceedings noted in the Margin for every Information we can give you on the Subject of it. Mr. Bristow is appointed Resident at his Excellency's Court, for the Purpose of managing and conducting such Political Negotiations, Correspondence, and Transactions, as this Government may now, or at any future Period, be engaged in with the Vizier; and Mr. Nathaniel Middleton is appointed to be Agent on the Part of this Government, for receiving, collecting, and managing the Tunckaws or Assignments which have been, or may hereafter be granted by the Nabob of Oude, for the Liquidation of our Claims upon him; he is entrusted also with the Adjustment of all Accounts relative to these Claims with the Nabob and his Ministers, with all Disbursements to the Paymasters of the Company's Troops stationed in the Dominions of the Vizier, as also to his Excellency's own Military Establishment under British Officers, and directly amenable to our Authority and Orders.

Conf.  
ad and 3d Oct.

A P P E N D I X, N<sup>o</sup> 3, (Q) (R)—N<sup>o</sup> 4, (A)

( Q )

Extract of the General Letter from Bengal, dated the 29th November 1780.

Par. 48. The Advices transmitted to you by the Trial Packet, will have informed you of a Motion made on the 2d October by Mr. Francis, that Mr. John Bristow be appointed and directed to return to his Station of Resident at Oude; of the Debates which followed the Motion; of the Appointment of Mr. Bristow accordingly; and of the Nomination of Mr. Nathaniel Middleton to be Collector of the Nabob Vizier's Assignments to the Honourable Company. We will not here repeat the Subject, but refer you for a further Explanation of it to our Letter by the Trial abovementioned, and to our Proceedings of the 2d and 3d ultimo.

( R )

Extract of the Company's General Letter to Bengal, dated 11th April 1781:

Par. 15. We trust Mr. Bristow, who concluded the Treaty with Asoph-ul-Dowla in June 1775, would arrive in Bengal soon after the Date of your last Consultations; and as, in Consequence of our Orders, he would also proceed immediately to the Vizier's Court, we entertain the most favourable Expectations of his being able to conciliate the Mind of the Vizier, and to assist him effectually in arranging and restoring his Finances to a more flourishing Condition.

---

A P P E N D I X, N<sup>o</sup> 4.

Proceedings respecting Mr. Francis Fowke.

( A )

Extract of the Proceedings of the Governor General and Council, in their Secret Department, dated the 16th August 1775.

At a Council, P R E S E N T,  
The Honourable Warren Hastings, Governor General, President,  
General Clavering,  
Colonel Monson,  
Mr. Barwell,  
and  
Mr. Francis.

**G**ENERAL Clavering moves, That a Company's Servant be sent up to Benares, to carry with him the Sunnuds of Investiture to the Rajah from the Company; and to inform himself of the Nature of the Mint, the Species of Rupees that are coined in it, how much the Person who farmed it paid to the Soubah of Oude, or to his Ministers, in Presents; as likewise with the Nature of the Cutwally, and what the Advantages of it were to the Person who farmed it; in order to make such a Settlement with the Rajah as may be equally advantageous to him and the Company.

Mr. Francis agrees to the Motion.

Mr. Barwell—I looked upon the Motion to be carried by the last Resolution of the Board, and that the Choice of a Person remains only to be determined. The Company, in the extra Charges to which they have already been put, may have Occasion to complain; and as Economy and Dispatch may be equally promoted, I beg Leave to mention Colonel Muir, the Officer commanding at Chunar, as the most eligible Person. Little or no Charges will be incurred by his just moving from Chunar to Benares, and besides, he is the best qualified from his local Knowledge.

Colonel Monson agrees to the Motion of General Clavering.

The Governor General objects to this Motion.

SEL. COM. REP. V.

R

Resolved,

## A P P E N D I X, N° 4. (A) (B)

Resolved, A Covenanted Servant be appointed to go to Benares, to take the Sunnuds of Investiture to the Rajah, &c. also to make the Investigations necessary to enable the Board to come to a final Settlement with the Rajah for that Zemindary.

General Clavering moves, That Mr. Francis Fowke be appointed to execute this Service; a young Man exceedingly well qualified, from his Knowledge in the Persian Tongue and his unexceptionable good Character.

Mr. Francis—I believe Mr. Francis Fowke to be perfectly qualified for the Service proposed; and I agree to the Motion.

Mr. Barwell—The unhappy Differences that have prevailed at the Board, the particular Part which Mr. Joseph Fowke has acted since the Commencement of the new Government, the particular Predicament in which he stands at present, I am sorry to observe, makes Mr. Francis Fowke, his Son, the most improper Nomination for a Commission of this Kind that could have been thought of. Nor can I conceive why it should have been thought of, unless for the express Purpose of lowering the Governor General in the Eyes of the Rajah of Benares as well as of all India, by the Selection of this Gentleman. I have no other Objection to Mr. Francis Fowke. Was it in my Power I would serve him, but not at the Expence or in Degradation of the first Character of the State. I therefore wish Mr. Francis Fowke's Nomination may not be carried.

Colonel Monson—I do not comprehend Mr. Barwell's Chain of Reasoning, that the employing an unexceptionable Company's Servant can be any Degradation to the Governor General's Consequence or Honour, or lower his Dignity in the Eyes of the Public: Had Mr. Francis Fowke been an exceptionable Character, there might have been some Degree of Justness in Mr. Barwell's Observation; but as Mr. Barwell himself declares he wishes to serve him, I do not comprehend why he will not on this Occasion testify to Mr. Fowke this Inclination. I believe Mr. Fowke to be qualified for this Appointment; and therefore approve of the Nomination.

General Clavering is for his own Nomination.

The Governor General—I am not surprized at the Motion now before the Board: I expected it at the Time in which it was resolved, in Contradiction to the former Opinion of the Board, to permit Mr. Joseph Fowke to return to Benares. I consider the present Appointment as the Appointment not of Mr. Francis Fowke but of Mr. Joseph Fowke, whose Influence over his Son will reduce the Authority of the latter to a mere Shadow: I therefore disapprove of the Motion; I protest against it.

Agreed, That Mr. Francis Fowke be appointed to proceed to Benares for the Purposes already resolved on.

Ordered, That Instructions be prepared for him accordingly, with a Letter of Credence to Rajah Cheyt Sing.

## ( B )

Extract of a Letter from the Governor General and Council in Bengal, in their Secret Department, to the Court of Directors of the East India Company; dated 11th September 1775.

Par. 10. In our Letter of the 3d August, of which you will receive a Duplicate by this Ship, you are advised of the Acquisition of the Territories of Rajah Cheyt Sing to the Company, and of the Steps which we had then taken towards settling with him for that Zemindary.—On the 16th of that Month we again took this Subject into Consideration, and called the Vackeel before us, who had received an Answer from his Master to our First Offer; but not being able to ascertain from him the Fineness and Quantity of the Silver of the Gourhay Rupees, in which Coin the Tribute from the Rajah is to be paid, nor the exact Amount which the late Farmers of the Mint and Cutwally at Benares, and the Cutwally at Juanpore, had paid annually to the Nabob and his Officers for the Grant of those Articles, we judged it necessary to appoint a Person to proceed to Benares, to make sundry local Investigations into these and other Points, to enable us to come to a final Adjustment with the Rajah; and we accordingly appointed Mr. Francis Fowke. In the mean Time we agreed that the Rajah should continue to pay at Benares the exact Sum, and in the same Species of Rupees, as he had paid to the late and present Nabobs of Oude; that is to say, 23,72,656.12 Gourhay Rupees, exclusive of the Mint, Cutwally, and other Articles which the Nabob held in his own Right.

( C ) Extract

A P P E N D I X, N° 4. (C) (D)

( C )

Extract of Proceedings of Governor General and Council of Bengal, in their Secret Department, of the 2d December 1776.

At a Council; P R E S E N T,  
The Honourable Warren Hastings, Governor General, President,  
General Clavering,  
Mr. Barwell,  
and  
Mr. Francis.

The Governor General also moves, That Mr. Francis Fowke be recalled from Benares and his Commission annulled; the express Purposes thereof having been accomplished.

Mr. Francis—I need not bring my Opinion in Writing upon either of these Motions. To the First I make no Objection; but as to the Recall of Mr. Francis Fowke, I know no Motive for it; on the contrary, I am satisfied that his Presence at Benares has been of signal Use in preventing the Delays of the Remittance of the Tribute; and to my Knowledge he has done nothing to incur the Displeasure of the Board: I cannot therefore consent to his Recall.

Mr. Barwell—The express Purposes to which Mr. Fowke was first appointed, were, the Investiture of the Rajah, and the settling a Mode for the Remittance of his Tribute; his Commission ceased the Instant the Object of it was accomplished, and Mr. Fowke ought then to have been remanded to Calcutta; he holds no Appointment, and therefore it cannot properly be styled a Removal: I assent therefore to Mr. Fowke's being called to the Presidency.

General Clavering.—In regard to the Recall of Mr. Fowke and the annulling of his Office, I cannot help considering it as a vindictive Measure, couched under the Appearance of Public Service; and therefore dissent to the Motion.

Governor General—I agree to the Motion.

Resolved, That the Motion proposed by the Governor General, be carried in the Affirmative.

The following Letter is accordingly written to Mr. Fowke.

To Mr. Francis Fowke.

Sir,

The Objects proposed by your Appointment to proceed to Benares being now accomplished, we have thought it necessary to annul the Commission which was given you for that Purpose: We therefore direct that you return to this Presidency immediately on Receipt hereof.

We are, &c.

( D )

Extract of a Letter from General Clavering to the Court of Directors, dated 5th December 1776.

The Restraint that I had laid on myself not to infringe further on the Rules of the Service than was necessary, for the Explanation of my Conduct in the Part I am obliged to take, gives Way again to the Obligation I feel myself under in the strict Discharge of my Duty, to acquaint you with some of the last Transactions of the Council after the Departure of the Nassau; as their being undertaken precisely at that Juncture, seems calculated to conceal, as long as possible, the Information of them from your Notice.

The first Subject is the Removal of Mr. Bristow from the Post of Resident with the Vizier, and the Re-appointment of Mr. Middleton. The next is, the Recall of Mr. Francis Fowke from Benares.

Having annexed the entire Consultation on both Subjects, I will forbear to make any Reflections on the Proceedings, leaving it to your Honourable Board to decide how far the Good of your Service has been consulted in removing Two Gentlemen who have each distinguished themselves; the First, in obtaining for the Company an Addition of Thirty Lacks a Year to their former Revenue; and the Second, in re-establishing the Coinage of Benares, by Means of which the exact Amount of the Subsidy is ascertained, and then fixing the Rate of the Remittance on the most advantageous Terms to the Company. As to Mr. Middleton's Re-appointment, you yourselves, Gentlemen, as well as the Proprietors, are too much interested in the Support of your own Dignity, and too sensibly wounded in the Step taken to restore him to an Office from which he had been dismissed, after the solemn Condemnation which you had given on his Conduct, for not submitting his Correspondence to the Supreme Council, for me to mention and lay a Stress on the little Regard the Chief of a Council shews to the Honour of a Government over which he presides, to recommend a Servant to fill any Post till he has made the Satisfaction required of him, not only to the Government in which he serves, but to his Masters and Superiors on whom he ultimately depends.

A P P E N D I X, N<sup>o</sup> 4. (E) (F) (G) (H)

( E )

Extract of the Secret General Letter from Bengal, dated 22d December 1776.

Par. 6. The Purposes for which Mr. Francis Fowke was appointed to proceed to Rajah Cheyt Sing at Benares, being now fully accomplished, we have annulled his Commission, and ordered him to return to the Presidency.

( F )

Extract of Proceedings of Governor General and Council of Bengal, in their Secret Department, of the 23d December 1776.

At a Council, P R E S E N T,  
The Honourable Warren Hastings, Governor General, President;  
General Clavering,  
Mr. Barwell,  
and  
Mr. Francis.

The Governor General moves, That a Civil Servant of the Company be appointed to reside at Benares, on the Part of this Government, for the Purpose of transacting any occasional Business which may arise between this Government and the Rajah of Benares; and that Mr. Thomas Graham may be nominated to this Office, and Mr. Daniel Barwell to be his Assistant.

Mr. Francis—If a Civil Servant was necessary for the Purpose described in the Motion, I conceive that Mr. Francis Fowke was perfectly well qualified for that Office. I have no Objection, however, to either of the Gentleman recommended by the Governor General.

Mr. Barwell agrees to the Motion.

General Clavering—I object to it, and leave the Responsibility of the Measure with the Governor General, who must answer for it.

Resolved, That a Civil Servant of the Company be appointed to reside at Benares on the Part of this Government, for the Purpose of transacting any occasional Business which may arise between this Government and the Rajah of Benares.

Agreed, That Mr. Thomas Graham be nominated to this Office, and that Mr. Daniel Barwell be appointed his Assistant.

( G )

Extract of the Secret General Letter from Bengal, dated 6th January 1777:

Par. 11. We have thought it proper to appoint a Company's Servant to reside at Benares, for the Purpose of transacting any occasional Business that may arise between this Government and Rajah Cheyt Sing. This Appointment has been given to Mr. Thomas Graham; and Mr. D. O. Barwell has been nominated his Assistant.

( H )

Extract of the General Letter from the Court of Directors to the Governor General and Council of Bengal, dated 30th January 1778.

Par. 65. In your Secret Letter of the 19th of December 1776, you inform us, that the Purposes for which Mr. Francis Fowke was appointed to proceed to Benares being fully accomplished, you had annulled his Commission, and ordered him to the Presidency; but it appears, by your Letter of the 6th of January 1777, that in less than Twenty Days you thought proper to appoint Mr. Thomas Graham to reside at Benares, and Mr. Daniel Octavus Barwell to be his Assistant.

66. If it were possible to suppose that a Saving to the Company had been your Motive for annulling Mr. Fowke's Commission, we should approve your Proceedings; but when we find

## A P P E N D I X, N° 4. (H) (I)

find Two Persons appointed immediately afterwards, with Two Salaries, to execute an Office which had been filled with Reputation by Mr. Fowke alone, and that Mr. Graham enjoys all the Emoluments annexed to the Office of Mr. Fowke, we must be of Opinion that Mr. Fowke was removed without just Cause, to make room for Mr. Graham; and that the Addition of Mr. Barwell's Salary is a clear Loss of Three hundred Rupees per Month to the Company.

Par. 67. As it was not pretended that Mr. Fowke's Conduct had been exceptionable; as he had executed, with the greatest Punctuality and Exactness, the like Office to which you have now appointed Mr. Graham; and as the Dissent of Mr. Francis and the Protest of General Clavering on the Occasion had no Effect, we think it proper to interfere; and therefore direct that Mr. Francis Fowke be immediately re-instated in his Office of Resident and Paymaster at Benares. We, however, think proper to declare, That though we mean by this Order to do an Act of public Justice, we by no Means intend it as a Mark of Disapprobation of the Conduct of Mr. Graham, whom we believe to be a very deserving Servant of the Company.

### ( I )

Extract of Proceedings of the Governor General and Council, in their Public Department,  
20th July 1778.

At a Council; P R E S E N T,  
The Honourable Warren Hastings, Governor General, President,  
Richard Barwell,  
Phillip Francis,  
and  
Edward Wheler, } Esquires.

Read the General Letter, dated 30th January last, received from the Honourable the Court of Directors by the Grosvenor and Osterly.

Agreed, That the Paragraphs belonging to the different Departments of the Service, be distributed.

64, 65, 66, and 67. Governor General—I must request that the Board will suspend the Execution of this Order—The Spirit and Intention of it is evident, and publicly known both in England and here. With these Considerations in View, my Consent to the Recall of Mr. Graham would be adequate to my own Resignation of the Service, because it would inflict such a Wound in my Authority and Influence, that I could not maintain it. In the Course of a few Days we may expect to hear of the Resolutions which have been taken by our Superiors, and of the Appointments which have been made to fill the Vacancy occasioned in this Government by the Death of the late Sir John Clavering: These will be likewise decisive of my own Situation in the Service. I need not say more to urge the Propriety of suspending the Execution of this Order of the Court of Directors. Mr. Thompson, in his Letter from Marseilles, dated the 18th of April, mentions that a Packet, containing the News of the General's Death, had been dispatched to London from that Port, from His Majesty's Agent there, Seven Days before, and it is probable that the Swallow carried this Intelligence earlier; we may therefore expect that the Caranja, which was to depart from Suez immediately on Receipt of the Confirmation of the War, will bring us those decisive Orders which I look for; and these may arrive To-morrow, or in the Course of a very few Days.

Mr. Francis—The Court of Directors order Mr. Francis Fowke to be *immediately* re-instated in his Office. To suspend the Execution of such an Order, is to disobey it. In another Part of the same Letter (Par. 41) they say, "We can on no Account permit our Orders to be disobeyed, and our Authority disregarded." When the Company's Orders to me are clear and positive, I do not deem myself at Liberty to withhold my Obedience to them on any Consideration whatever; unless a new Situation of Affairs, unknown to and unforeseen by the Court of Directors, should make it impracticable or dangerous to carry them into Execution: I am therefore against the Motion.

Mr. Wheler—I am of Opinion that the Order should be immediately carried into Execution.

Mr. Barwell—While Mr. Hastings is in the Government, the Respect and Dignity of his Station should be supported; in these Sentiments I must decline an Acquiescence in any Order which has a Tendency to bring the Government into Disrepute. As the Company have the Means and the Power of forming their own Administration in India, they may at their Pleasure place whom they please at the Head; but, in my Opinion, they are not authorized to treat a Person in that Post with Indignity.

Resolved, That the Execution of this Order be suspended.

Mr. Francis—I beg Leave to enter my Dissent to this Resolution.



A P P E N D I X, N<sup>o</sup> 4. (J) (K) (L)

( J )

Copy of a Letter from Mr. Francis Fowke to the Secretary of the Superior Council in Bengal.

To J. P. Auriol, Esquire, Secretary to the Honourable the Superior Council.

Sir,

Calcutta, 21st July 1778.

My Friends in England having transmitted to me a Notification in Form, which they have received, importing, that an Order of the Honourable the Court of Directors, for my instant Re-appointment to the Post of Resident at Benares, was transmitted by the Grosvenor, and a considerable Time being now elapsed since the Receipt of the Packet; I humbly request of the Honourable Board, that I may be informed of any Resolutions which may have passed in consequence of the above Order, and that I may be furnished with a Copy of their Proceedings upon the Subject.

I am, Sir,

Your obedient humble Servant,

Francis Fowke.

( K )

Copy of a Letter from the Secretary of the Superior Council in Bengal, to Mr. Francis Fowke.

To Mr. Francis Fowke.

Sir,

In consequence of your Address to the Honourable the Governor General and Council, requesting to be informed of any Resolutions which may have passed on the Orders of the Court of Directors respecting you, and to be furnished with a Copy of the Proceedings upon the Subject, I am directed to transmit you the inclosed Extract of the Consultation 20th Instant.

I am, Sir,

Your most obedient Servant,

Council Chamber,  
the 29th July 1778.

J. P. Auriol.

Extract of Consultation of 20th July 1778.

Read the General Letter, dated the 30th January last, received from the Honourable the Court of Directors by the Grosvenor and Osterly.

Par. 64, 65, 66, and 67. Resolved, That the Execution of this Order be suspended.

A true Extract.

J. P. Auriol, Secretary.

( L )

Copy of a Letter from Mr. Francis Fowke to the Governor General and Council in Bengal:

To the Honourable Warren Hastings, Esquire, Governor General, &c. Superior Council of Fort William.

Honourable Sirs,

I acknowledge, with great Thankfulness, your Condescension in conveying to me, through Mr. Secretary Auriol, the Resolution you have passed to suspend the Execution of the Company's Order, dated 30th January 1778, directing that "Mr. Francis Fowke be immediately re-instated in his Office of Resident and Paymaster at Benares." By this Indulgence, I have an Opportunity afforded me of humbly remonstrating against the Severity of your Sentence, which is nearly equal to Dismissal from the Service.

An Order of the Court of Directors, made public only a few Days ago, positively forbids any Covenanted Servant to return to England, under any Pretence of obtaining Redress there for Injuries received here, without first making an Appeal to them through the Channel of the President and Council Abroad. The Existence of this Order necessarily supposes that no Covenanted Servant can be dismissed or suspended from his Offices in India without some previous Trial, at least some Charge, or some Accusation to which he may be suffered to reply: On any other Supposition the Court of Directors can have no Materials lying before them to conduct their Judgment of his Merits. I stand

## APPENDIX, N<sup>o</sup> 4. (L) (M) (N)

exactly in this Predicament, and submit to your Candour to determine, whether the Case be not a hard one. I see a simple Resolution which suspends me from my Offices, and am left to guess at the Causes which influence it. In such a Situation I cannot be free from Anxiety. Conscious of my own Innocence and Integrity, I *will* hope that your Justice will relieve me. If there are any Accusations laid against me, let my Accusers stand forth, let me answer them Face to Face: I must believe there are some, because I am confident your Justice would not permit me to be condemned on *no* Grounds, however you might have mistaken them.

I am sensible that my Situation obliges me to the most perfect Submission to your Orders; yet, as my own Honour, and that of my Family, will not allow me to sit silent under a Disgrace, it was a Duty incumbent upon me to defend my Reputation. In the Offices I have filled, I have strictly adhered to my Duty, and cannot charge myself with having ever been deficient in Respect to my Superiors. The same Conduct I shall ever observe. If you find, on a candid Examination, that the Merit I lay claim to is my Due, I trust that your Honourable Board will be pleased to carry into Execution the Honourable the Court of Directors Orders for my immediate Re-appointment to the Offices of Resident and Paymaster at Benares.

Calcutta,  
12th August 1778.

I remain, with the greatest Respect,  
Honourable Sir, and Sirs,  
Your most faithful  
and most obedient Servant,  
Francis Fowke.

### ( M )

Extract of the General Letter from Bengal, dated 17th August, 1778.

Par. 25. We have resolved to suspend the Execution of that Part of your Commands, dated 30th January last, which relate to Mr. Francis Fowke; and must beg Leave to refer you to our Records for the Motives which swayd with us in this Instance.

### ( N )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, of the 7th September 1778.

At a Council; PRESENT,  
The Honourable Warren Hastings, Governor General; President;  
Mr. Barwell,  
Mr. Francis,  
and  
Mr. Wheler:

Read a Letter from Mr. Fowke.

Mr. Francis—I move, that the Secretary may be directed to inform Mr. Francis Fowke, that the Board have no Reason to be dissatisfied with any Part of his Conduct in the Company's Service; and that no Charge has been preferred against him to the Board.

Mr. Wheler—I agree to the Motion.

Mr. Barwell—The Board having already denied to Mr. Fowke the Satisfaction he required, by ordering simply the Resolution of the Board to be furnished by the Secretary, I move the previous Question.

Mr. Wheler and Mr. Francis against the Motion.

Governor General—I am for the previous Question. All Applications of this Kind are irregular; the Board are not accountable to Mr. Fowke for their Resolution respecting him—The Reasons for suspending the Execution of the Orders of the Court of Directors contain no Charge, nor the slightest Imputation of a Charge, against Mr. Fowke; but I see no Reason why the Board should condescend to tell him so.

The previous Question being carried,  
Resolved, That Mr. Francis's Question be not put:

( Q. )

Extract of Proceedings of the Governor General and Council of Fort William in Bengal, in their Public Department, of 1st April 1779.

Mr. Francis—I move, that the 65th, 66th, and 67th Paragraphs of the Company's General Letter of the 30th of January 1778, and the Proceedings of this Board of the 20th July 1778, be now read.

Read the 65th, 66th, and 67th Paragraphs of the General Letter, dated 30th January 1778, and the Proceedings of the 20th July 1778, which are entered in this Place by the Desire of the Governor General. (Vide his Minute.)

Extract General Letter, 30th January 1778.

Par. 65. In your Secret Letter of the 19th of December 1776, you inform us, that the Purposes for which Mr. Francis Fowke was appointed to proceed to Benares *being fully accomplished*, you had annulled his Commission, and ordered him to the Presidency; but it appears by your Letter of the 6th of January 1777, that, in less than Twenty Days, you thought proper to appoint Mr. Thomas Graham to reside at Benares, and Mr. Daniel Octavius Barwell to be his Assistant.

Par. 66. If it were possible to suppose that a Saving to the Company had been your Motive for annulling Mr. Fowke's Commission, we should approve your Proceedings; but when we find Two Persons appointed immediately afterwards, with Two Salaries, to execute an Office which had been filled with Reputation by Mr. Fowke alone; and that Mr. Graham enjoys all the Emoluments annexed to the Office of Mr. Fowke; we must be of Opinion, that Mr. Fowke was removed without just Cause to make room for Mr. Graham, and that the Addition of Mr. Barwell's Salary is a clear Loss of Three hundred Rupees per Month to the Company.

Par. 67. As it was not pretended that Mr. Fowke's Conduct had been exceptionable; as he had executed, with the greatest Punctuality and Exactness, the like Office to which you have now appointed Mr. Graham; and the Dissent of Mr. Francis, and the Protest of General Clavering on the Occasion had no Effect, we think it proper to interfere; and therefore direct Mr. Francis Fowke be immediately re-instated in his Office of Resident and Paymaster at Benares. We, however, think proper to declare, that though we mean by this Order to do an Act of Public Justice, we by no Means intend it as a Mark of Disapprobation of the Conduct of Mr. Graham, whom we believe to be a very deserving Servant of the Company.

Extract Consultation, 20 July 1778.

Governor General—"I must request that the Board will suspend the Execution of this Order; the Spirit and Intention of it is evident, and publicly known both in England and here. With these Considerations in View, my Consent to the Recall of Mr. Graham would be adequate to my own Resignation of the Service, because it would inflict such a Wound in my Authority and Influence that I could not maintain it. In the course of a few Days we may expect to hear of the Resolutions which have been taken by our Superiors, and the Appointments which have been made to fill the Vacancy occasioned in this Government by the Death of the late Sir John Clavering; these will likewise be decisive of my own Situation in the Service. I need not say more to urge the Propriety of suspending the Execution of this Order of the Court of Directors. Mr. Thompson in his Letter from Marseilles, dated the 18th April, mentions that a Packet, containing the News of the General's Death, had been dispatched to London from that Port, from His Majesty's Agent there, Seven Days before, and it is probable that the Swallow carried this Intelligence earlier; we may therefore expect that the Caranja, which was to depart from Suez immediately on Receipt of the Confirmation of the War, will bring us those decisive Orders which I look for; and these may arrive To-morrow, or in the Course of a very few Days.

"Mr. Francis—The Court of Directors order that Mr. Francis Fowke be *immediately* re-instated in his Office. To suspend the Execution of such an Order is to disobey it. In another Part of the same Letter (Par. 41.) they say, "We can on no Account permit our Orders to be disobeyed; and our Authority disregarded." When the Company's Orders to me are clear and positive, I do not deem myself at Liberty to withhold my Obedience to them on any Consideration whatever, unless a new Situation of Affairs, unknown to and unforeseen by the Court of Directors, should make it impracticable or dangerous to carry them into Execution: I am therefore against the Motion."

"Mr. Wheeler—I am of Opinion that the Order should be immediately carried into Execution.

"Mr. Barwell—While Mr. Hastings is in the Government, the Respect and Dignity of his Station should be supported; in these Sentiments I must decline an Acquiescence in any Order which has a Tendency to bring the Government into Disrepute. As the Company have the Means and the Power of forming their own Administration in India, they may at their Pleasure place whom they please at the Head; but, in my Opinion, they are not authorized to treat a Person in that Post with Indignity.

"Resolved, That the Execution of this Order be suspended.

"Mr. Francis—I beg Leave to enter my Dissent to this Resolution."

Mr. Francis—I move, that the Company's Orders, contained in the preceding Paragraphs, be carried into Execution; that Mr. Francis Fowke be immediately re-instated in his Office of Resident and Paymaster at Benares, and that Mr. Thomas Graham be ordered to deliver over Charge of those Offices forthwith to Mr. Francis Fowke.

## A P P E N D I X N° 4. (O)

The Governor General—I have expected this Motion, and I expect many more of a similar Nature to be introduced by Mr. Francis, for the Purpose of forcing the new Member of this Government to declare himself a Party in Disputes in which he has no Concern, and in which, I will venture to express my Belief that it is not his Wish to be involved. The Order of the Company which has been read, was addressed to this Administration before Sir Eyre Coote was a Member of it; it was also read, and a Resolution passed upon it, before Sir Eyre Coote's Appointment: I presume therefore to say, that it is irregularly brought before the Board at this Time; for though his Voice may now be required, and may be given upon the Motion, yet as it respects the Act of a former Administration, and an Act already done, the Responsibility of that Act rests only with those who constitutionally passed it, and ought not to be thrown upon him unless he himself is desirous that it should be revised, and that he may participate in it. If our Records are to undergo a new Scrutiny, and every Measure which they contain, to be examined by the Scale of the Company's Orders, or by the Judgment of the present Administration, the Time of the Board will not suffice, even in a Daily Meeting of it, for so multiplied a Research, and for the Debates which must necessarily accompany it. If this Retrospect is not to affect all the Resolutions and all the Measures of the First Government, on what Principle is a Selection made of a Question which has its Basis in a Party Distinction, and is determinable only by Party Principles. The Resolution for suspending the Execution of the Company's Orders on the 20th July 1778, was notified to the Court of Directors in our Dispatches by the Eagle Packet, dated the 17th August: Their Answer may be received, and ought to be expected, before the Period which the Act of Parliament has prescribed for the Duration of this Government: To prevent their Orders, by an intermediate Decision of a Point of such Magnitude, referred to them, is neither, in my Judgment, consistent with the Respect which is due to their Authority, nor with the actual State of this Government, already oppressed with Difficulties which demand the strenuous and united Exertion of all its Powers, and which it tends to throw into utter Confusion: And for what, let the Person who made the Motion say. What is the Object of it? Is the Re-instatement, as it is called, of Mr. Francis Fowke, to an Office which he never held, of such weighty Consequence to the Interest of the East India Company, and of the British Nation in India, that for this the First executive Member of their First Government must be treated with Insult, and either keep his Seat to be a Partaker of a Scene of Anarchy and Confusion during the short but momentous Interval which remains of the Power which we unitedly hold, or leave it, and a Government embarrassed with new and perhaps greater Distractions?

I desire that the Paragraphs of the General Letter, and the Extracts of our Proceedings which have been read, may be entered after the First Motion made by Mr. Francis: I most earnestly recommend them to the serious Attention and Reflection of the other Members of this Board, and to those of the Commander in Chief most especially. I hope that the Decision on this Question will not be precipitated; that the Consequences of it may be weighed before an Act so critical and decisive be irrevocably passed. I came unprepared for it, not ignorantly, indeed, that it would be brought on at an early Time, for the Public Voice has loudly announced it; but I did not expect to be surprized with it on a Day, and in a Department devoted to Business, from which this is entirely foreign: I therefore hope and request that the other Members will suspend their Decision until the next Meeting of the Board in the General Department.

Mr. Francis—The present Question does not properly lie between the Governor General and me, but between this Board and that Authority which the Legislature has placed over us. The Propriety of waiting for further Orders, when we have positive Orders before us, may at any Time be pleaded with equal Reason as at present, and may as easily defeat any future Orders, however peremptory, in Confirmation of the past, as those which we have already received. The personal Appeal made to Sir Eyre Coote obliges me to take this Opportunity of assuring him, that I will never bring any Question of this Nature forward, in which it will be possible for a Member of this Board to take Part against me, without at the same Time taking Part against the Court of Directors; as for the rest, I shall content myself with saying, that the Governor General has formed a very erroneous Judgment of my Intentions.

If the Public Voice has already announced my Design to introduce the present Motion, it is a strong presumptive Proof of the Public Expectation, and, as I think, of their Judgment, upon the Resolution which I propose to have reversed: As for myself, I declare upon my Honour, and if there be that Man living who can contradict me let him come forward, that I never, directly or indirectly, or by the most distant Intimation, acquainted any Person not a Member of this Board, of my Design to move the present Question. As the Governor General expected it, and as the Question itself is of a very plain and simple Nature, I think there is no Ground for deferring the Decision of it; at all Events I have done my Duty, and shall give the Board no further Trouble.

Sir Eyre Coote—Being called upon by my King and Country to fill a Post in this Part of the World of the highest Importance to the State, it was with the greatest Diffidence I undertook that Service, well knowing the great Difficulties I had to encounter from the unfortunate Differences which had arisen among the Members of the Supreme Council: I therefore determined not to take a Part in those Differences, it being in my Opinion the surest Method that I could devise of putting an End to them; and conceiving that any Kind of Retrospect would prove fatal to my Wishes, was determined to prevent them as much as lay in my Power, by bringing forward no Matter, the Decision of which I was not immediately answerable for the Consequences of; paying at the same Time implicit Obedience to the Orders of the Court of Directors, which I am determined to adhere to for my Line

## A P P E N D I X N° 4. (O) (P)

of Conduct. I agree to suspend the Decision of the Question till the next Meeting of the Council in the General Department.

Mr. Wheler—It cannot be considered precipitate in me to give an immediate Opinion upon the present Question, my Sentiments being already recorded; I therefore, to prevent the Implication of giving an hasty Opinion, desire Leave to record my further Sentiments at this Meeting of the Board.

Mr. Barwell—I feel much concerned on the present Occasion. The forcing on a Question on a Matter that has passed Judgment, and which if decided must be a Confirmation or Reversion of that Judgment, independent of the Authority to which it is submitted, will, I fear, not tend to conciliate the Differences of the Board, which I flattered myself might have drawn to a Period. The Consequences are very obvious. I hope, however, the Temper and Moderation of Sir Eyre Coote will decide for terminating the Distractions which have hitherto prevailed. It is with great Pleasure I observe, in the Delivery of Sir Eyre Coote's Sentiments, a Resolution so decidedly expressed of consulting alone the Honour and Interest of the Government, and fixing our Councils, if possible, to that particular Point only. I am so well aware of the Consequences to result from hastily deciding on an Act of the Administration, under the present Change in its Circumstances, in the Arrival of Sir Eyre Coote, that I entirely concur in the Wish expressed by the Governor General, to suspend the Question.

Mr. Wheler—As the Members of the Board have not objected to my Request of entering my Opinion upon the main Question, I beg Leave to do it in the following Words: That as I cannot discover, either in the Minute entered by the Governor General, or in the 25th Paragraph of our General Letter to the Court of Directors of the 17th August, by the Eagle Packet, the Shadow of an Argument that can induce me to alter my former Opinion, much less justify me in the Disobedience of a positive Order from the Court of Directors, I am for the Question.

Resolved, That the Decision of the Question proposed by Mr. Francis be suspended until the next Meeting of the Board in this Department.

## ( P )

Extract of Proceedings of the Governor General and Council of Fort William in Bengal, in their Public Department, 5th April 1779.

Mr. Francis's Motion, recorded in the last Consultation, being now again taken into Consideration;

Lieutenant General Sir Eyre Coote delivers in the following Minute:

Since the last Meeting of the Board in this Department, I have had Time to reflect very maturely upon the Nature and Tendency of the Question now depending.

In my former Minute upon the Subject, I declared the Two ruling Principles of my Conduct to be, the Desire of avoiding every Kind of Retrospect, and a firm Resolution to pay an implicit Obedience to the Orders of the Company.

And however difficult it may seem to reconcile an Adherence to both under the present Circumstances; since by passing an Opinion on the Question, I should seem to swerve from the one, and by declining it, to lose Sight of the other; I yet flatter myself, that the Conduct which agrees with my own Feelings, will also meet the Approbation of this Board.

I declare therefore, that had I had the Honour of a Seat here, at the Time the Company's Instructions, respecting Mr. Fowke were received, I should certainly have joined most heartily with those Gentlemen who were for putting them into immediate Execution, as I shall ever do in regard to any future Orders which may be given by the Company while I remain in the Service.

But as the Whole of this Transaction passed before my Arrival, and as the Result of the last Proceedings thereupon now lay before the Directors for their ultimate Decision, I desire to wave the giving any present Opinion upon it, and to reserve my Vote till their Orders are received, when I shall most assuredly give it in Support of them.

Calcutta, 5th March 1779.

Eyre Coote.

Mr. Francis—The Question is, Whether a positive Order of the Court of Directors shall or shall not be obeyed? I suppose it is hardly necessary for me to say what my Opinion is: I act in Conformity to it in giving my Vote for the Question.

Mr. Barwell—Mr. Francis must excuse me if I cannot receive the Question as it stands explained by him. I apprehend no one who shall take the whole Subject into his Consideration, will allow it to be so compendious. It is not a Question on the Company's Orders; however, I am willing to suppress the Reflections that arise in my Mind, to the Harmony of our future Councils. I am against the Question.

The Governor General—It is unnecessary to express any further Sense, either of the Question or the Manner in which it has been concluded: I shall therefore only say, that I am against the Question.

Mr. Francis's Question resolved in the Negative.

Mr. Francis—I beg Leave to enter my Dissent and Protest against the Resolution.

A P P E N D I X, N° 4. (Q) (R) (S) (T) (U)

( Q )

Extract of the General Letter from Bengal, dated the 22d April 1779.

Par. 12. A Motion was made at one of our Meetings, That the Orders contained in the 65th, 66th, and 67th Paragraphs of your General Letter of the 30th January 1778, should be carried into Execution: The Question was resolved in the Negative; and we beg Leave to refer you to our Proceedings on this Subject for your more particular Information.

( R )

Extract of the Company's General Letter to Bengal, dated 14th May 1779.

Par. 4. In Answer to the 25th Paragraph of your Letter of the 17th August last, respecting the Appointment we assigned to Mr. Francis Fowke, we only remark, that as the Consultations are not yet before us, we must defer our Decision on the Subject; and hope the Reasons which swayed you as far as to induce you to suspend the Execution of a positive and peremptory Order of the Court of Directors, will be found sufficient to justify your Conduct on that extraordinary Occasion.

( S )

Extract of the Company's General Letter to Bengal, dated 27th May 1779.

Par. 46. We have read with Astonishment your formal Resolution to suspend the Execution of our Orders relative to Mr. Francis Fowke; your Proceedings at large are now before us. We shall take such Measures as appear necessary for preserving the Authority of the Court of Directors, and for preventing such Instances of direct and wilful Disobedience in our Servants in Time to come. At present we repeat the Commands contained in the 67th Paragraph of our Letter of the 30th January 1778, and direct, that they be carried into immediate Execution.

( T )

Extract of the Proceedings of the Governor General and Council, in their Public Department, dated 27th February 1780.

At a Council; P R E S E N T,  
The Honourable Warren Hastings, Governor General, President,  
Philip Francis, } Esquires.  
Edward Wheler, }  
Mr. Barwell indisposed.

Read the 40th Paragraph of the General Letter from the Honourable the Court of Directors, dated 27th May 1779.

Agreed, That Mr. Francis Fowke be appointed Resident at Benares, in Conformity to the Intention of the Court of Directors; and that Mr. Thomas Graham be directed to deliver over the Charge of that Office to him on his Arrival there.

( U )

Extract of the General Letter from Bengal, dated 3d March 1780.

Par. 46. We have the Honour to acquaint you, That in Conformity to your last Commands of the 27th May 1779, Mr. Francis Fowke has been appointed Resident at Benares, and Mr. Thomas Graham recalled from the Station.

( V ) Extract



Extract from Bengal Secret Consultations of the 14th of January 1781.

Governor General—While this Government is charged with such extensive Concerns, and hath to contend with Difficulties equal perhaps to those in which even the Supreme Administration of the British Empire is at this Moment involved, it may at least claim as a Right, which, under any other System of Government that hath ever yet existed, would be conferred on it as an indispensable Obligation, to employ and exercise the Powers which are inherent in its Constitution, and which are immediately necessary to the Support, and eventually to the Existence, of those essential Interests which it holds in Charge. On this Principle, I claim the Right of nominating the Agent of my own Choice to the Residency of Benares. It is a representative Station, and cannot, without a Contradiction, be the Charge of a Man not preferably chosen to it by the Members of the actual Government, and holding it by an Authority independent of theirs. Speaking for myself alone, it may be sufficient to affirm that Mr. Francis Fowke is not my Agent; that I cannot give him my Confidence; that while he continues at Benares, he stands as a Screen between the Rajah and this Government, instead of an Instrument of Controul; and that the Rajah himself, and every Chief in Indostan, will regard it as the Pledge and Foundation of his Independence.

To Mr. Fowke himself I have no personal Objection; I approve his Conduct, I esteem his Character; and I believe I might depend upon his exact and literal Obedience and Fidelity in the Execution of the Functions annexed to it. My Objection is stated above, and it is insuperable.

The Person whom I have chosen to succeed him, I consider as standing in the same Degree of Confidence and Estimation with Mr. Wheeler as myself. I adopted him (if I may so express myself) from his Family and Patronage, and assigned him an Office of the highest Trust near my own Person, with Mr. Wheeler's Approbation; and from a Foresight of the Event which has since made us the Copartners of this Government, and which suggested to me the Propriety of employing such Agents as would be agreeable to him, while they possessed the other Requisites for my own Confidence.

I therefore think him, on every Consideration, the fittest to fill the Office in question. I therefore move, that Mr. Francis Fowke be immediately removed from the Residency of Benares; and that Mr. Markham may be appointed to it in his stead.

While I thus acquit myself of what I conceive to be a Public Duty, it is my Desire at the same Time to indemnify Mr. Fowke from the Consequences personally attending it towards him. I therefore move, That he be at the same Time invested with the Appointment of Agent for all Boats to be employed for the Military Service of this Establishment, with an Allowance of a Commission of 15 per Cent. upon all his Disbursements in this Office; that the executive Charge thereof take place from the Period of the Expiration of Colonel Morgan's present Contract; and that till that Time, and for Three Months following it, he be allowed to draw his present Allowance of 1000 Rupees per Month.

I propose this Method in Preference to a Contract, because I am convinced from Experience that the Service will be better performed by this Alteration, although it is liable to One material Objection in its natural Influence in his Expences. This is a Defect which can only be corrected by the Probity of the Person who is intrusted with so important a Charge; and I am willing to have it understood as a Proof of the Confidence which I repose in Mr. Fowke, that I have proposed his Appointment, in Opposition to a general Principle, to a Trust so constituted.

Mr. Wheeler—I accede to the Propriety of the Governor General's Arguments, and think them particularly applicable to the present State of this Government. I am also highly flattered by the Choice the Governor General has made of a Gentleman to fill this important Station, who was formerly under my Patronage, and who is still in my Confidence. But as Mr. Fowke has not yet signified his Willingness to accept of the Compensation proposed to him in Exchange for his present Appointment, I must decline giving my Assent to his immediate Removal.

The Governor General's Motion being agreed to,

Resolved, That Mr. William Markham be accordingly appointed Resident at Benares, and Mr. Benn his Assistant.

Resolved, That Mr. Francis Fowke be invested with the Appointment of Agent for the Provision of all Boats to be employed for the Military Services of this Establishment, with an Allowance of a Commission of 15 per Cent. upon all his Disbursements in this Office; the executive Charge of which is to take place from the Period of the Expiration of Colonel Morgan's Contract, and that to that Time, and for Three Months following it, he be permitted to draw the present Allowance of 1,000 Rupees per Month.

## A P P E N D I X, N° 4. (W)—N° 5. 6, (A)

( W )

Extract of the Secret General Letter from Bengal, dated 27th April 1781 : Received by the Bellmont  
5th February 1782.

Par. 46. Mr. Francis Fowke having been recalled from his Residency at Benares, and appointed Agent for the Provision of Boats to the Army, after the Expiration of the present Contract, we have appointed Mr. William Markham to that Residency.

---

## A P P E N D I X, N° 5.

Copy of the 10th Article of the Company's General Instructions to the Governor General and Council of Bengal, of the 29th March 1774.

I F any of the Company's Servants, Civil or Military (except the Members of our Board of Trade, whom we do not make liable to your Suspension) shall at any Time be suspended by you from the Execution of his Office, or any Vacancy shall happen by Resignation or Death, it is our Order and Direction that the Person next in Rank, Office, or Rotation, be appointed to supply such Vacancy in our Civil or Military Service, until our Pleasure shall be known. We also further direct, that before the Removal of any Company's Servant from any Office, the Party be made acquainted, in Writing, with the Accusation preferred against him ; that he be summoned to make his Defence, having a reasonable Time allowed him for that Purpose ; and that you proceed on all such Occasions with the greatest Tenderness and Circumspection. And we further direct, that all such Charges made before you against any of our Servants in your Department, with all Proceedings thereon, be regularly entered upon your Consultations, and with them transmitted to us.

---

## A P P E N D I X, N° 6.

Proceedings respecting Mahomed Reza Cawn.

( A )

Extract of General Letter to Bengal, dated 3d March 1775.

Par. 39. **W**E have examined the separate Consultations of our President and Council respecting Mahomed Reza Cawn, and embrace the present Opportunity of testifying our Approbation of their Conduct during the Whole of that Enquiry. And although the particular Informations transmitted us against Mahomed Reza Cawn, and those general and alarming Accounts of Oppressions with which the Records of our Presidency of Fort William abounded, must have rendered it our indispensable Duty to have his Administration scrutinized ; we are nevertheless well pleased on finding him able to exculpate himself from all Charges brought against him to the Satisfaction of our Servants, notwithstanding they on the Spot had deemed them so well founded as to entertain no Doubt of fixing on him Facts sufficient to justify our Censure, and to warrant his Dismission from Public Employment.

40. These being the Sentiments of our President and Council relative to Mahomed Reza Cawn's general Conduct, we cannot but notice also, that their Ideas respecting the Arrears due from him to the Circar, were nearly similar to our own, as appears by their Letter of the 10th December 1772 ; wherein they inform us, that they had great Reason to believe, on a Scrutiny into Mahomed Reza Cawn's

SEL. COM. REP. V. U

## A P P E N D I X, N<sup>o</sup> 6. (A) (B)

Cawn's Dacca Accounts, a Balance would appear against him of upwards of Seventeen Lacks of Rupees.

41. If our Governor and Council at Fort William had Reason to be of Opinion, that the Result of an Enquiry would issue as above mentioned, we cannot but conclude, there must have been such public and general Appearances of Mal-administration, as warranted the particular Information communicated to us, and rendered it absolutely necessary for us to use the most speedy and effectual Means in our Power for delivering the Natives from apparent Tyranny and Oppression, and for recovering to the Nabob, or to the Company, the Amount of all Monies supposed to have been embezzled or misapplied by Mahomed Reza Cawn, or outstanding in his Hands on Account of the Revenues.

It was on these Grounds we directed an Enquiry to be made; and though it has not been proved that Mahomed Reza Cawn was intentionally oppressive in collecting Grain, or that he reaped pecuniary Advantages from that Article in the Time of the Famine; yet to those Persons who suffered by his Measures, the Interference of him and his Agents was at Times a real Grievance, and a sufficient Ground for their Complaint; ignorant as they must have been of the Directions of the Governor and Council to Mahomed Reza Cawn, to use his utmost Endeavour to procure Grain for the Use of the City of Moorshedabad, and for the Subsistence of the Troops.

In regard to the Dacca Revenue, we have already declared that the different Reports of our Governor and Council, from Time to Time, have been unsatisfactory to us; and we are far from being convinced, by the Materials now before us, that Mahomed Reza Cawn is not indebted to the Circar in a very considerable Sum, or that he ought not to be compelled to fulfil the Engagements entered into for the Chucklah of Dacca. The general Words under the Handwriting of Meer Jaffier, supposing both the Papers authentic, are of little Importance, and can never be construed to annul the positive Agreement which appears under the Seal of Mahomed Reza Cawn; and as to his Plea of having executed that Instrument by Compulsion, merely to gain Time and to save his Life, it wants every necessary Proof to render it effectual.

44. Under these Circumstances, and because we find the Nabob, Meer Jaffier, at the Time of his Death, indebted to the Company in the Sum of Rupees 16,69,758, we cannot deem ourselves warranted to cancel the Obligation in question; but in Consideration of the Inconveniences which Mahomed Reza Cawn may have experienced during the Time of his Examination, we direct that you suspend our Claim for the Arrear of the Dacca Revenue.

45. After declaring ourselves thus favourably on the Case of Mahomed Reza Cawn, we have only to add, that as we wish him to remain under no other Obligations to us than those of Gratitude, we therefore can have no Objection to his total Enlargement.

46. The Conduct of Nundcomar, in the Part he has taken against Mahomed Reza Cawn, appears to us so very inconsistent and unworthy, that we feel a Repugnance to the Continuance of his Son in the high Office of Roy Royan of the Province. And as the Acquittal of Mahomed Reza Cawn warrants us again to employ him, we direct that, if he can with Propriety accept of that Office under the Regulations and Restrictions established by our President and Council, and with the Salary granted to Raja Gourdas for executing the same, he be forthwith appointed thereto, and receive a proper Khelaut, and such other Marks of Distinction as are usually conferred on Natives on like Occasions. *We mean not by this Appointment to restore Mahomed Reza Cawn to any improper Degree of Power, but merely to testify our Satisfaction on finding his former Conduct has been so much better than we expected.*

47. And in regard to Raja Gourdas, though we cannot consent to his remaining Roy Royan of the Province, yet, in Consideration of the favourable Character we have received of him, we have no Objection to his being appointed to any Office of less Importance, if you shall be of Opinion that his Behaviour has entitled him to such a Mark of our Indulgence.

## ( B )

Extract of Bengal Secret Consultations, 16th October 1775.

Read the 39th to the 47th Paragraphs of the General Letter from the Court of Directors, dated the 3d March 1775.

As it is evident from these Paragraphs, that the Court of Directors were not aware of the Nature of Raja Gourdas's Appointment when they supposed that he was Roy Royan of the Provinces, whereas in fact the Appointment which he received from the late President and Council, or rather from the Begum through their Recommendation, was that of Duan of the Nizamut and Bhela, or Offices of the Nabob's Household, the Office of Roy Royan having been conferred much about the same Time on Mharaja Rajabullub by the late President and Council, and both since confirmed by the Court of Directors.

The Governor General desires that the Opinion of the Board may be taken, in what Sense the Orders of the Court of Directors, contained in this Paragraph, shall be received, both with respect Raja Gourdas and Mahomed Reza Cawn; and that Orders may be issued accordingly.

Mr. Francis—I am by no Means clear in the exact Sense to be affixed to this Paragraph; it seems to me to be liable to a Question, Whether, conformably to the Intentions of the Court of Directors, Mahomed

## A P P E N D I X, N° 6. (B) (C)

Mahomed Reza Cawn should be Roy Royan, or whether he should be appointed to the Post actually held by Raja Gourdas? I do not think that it is absolutely necessary to determine this Question immediately; and could wish that the Decision of it might be deferred for a few Days. In the mean Time, I see no Reason why the Paragraphs relating to Mahomed Reza Cawn may not be communicated to him. Mr. Francis therefore moves, That the Consideration of the Governor General's Motion be deferred till the next Board Day.

Agreed, That the Consideration of the Paragraphs relative to Mahomed Reza Cawn be deferred until the next Council Day.

(C)

Extract of Bengal Secret Consultations, 18th October 1775.

Resumed the Consideration of the Paragraphs 39 to 47 of the General Letter from the Court of Directors, dated the 3d March, and the Governor General's Motion, recorded on the 16th Instant.

General Clavering, Colonel Monson, and Mr. Francis having drawn up their Sentiments on this Subject, deliver them in the following Minute, which is now read :

After an attentive Consideration of the Company's Orders relative to Mahomed Reza Cawn and Raja Gourdas, contained in the 39th and Eight following Paragraphs of the General Letter of the 3d of March 1775, we agree with the Governor General, in thinking that the Court of Directors have mistaken the Office actually held by the Raja Bullub for that which the late Administration conferred on Raja Gourdas. This Mistake, with the Consequences drawn from the Facts supposed by the Court of Directors, produces an Ambiguity in their Orders, which makes it difficult for us to determine in what precise Sense they are to be understood; or by what Resolution of ours we can with Certainty carry their Intentions into Effect. On one Side they express a *Repugnancy to the Continuance of Raja Gourdas in the high Office of Roy Royan*, and direct us to appoint Mahomed Reza Cawn to it, if *we can accept of it with Propriety under the Regulations and Restrictions established by the late President and Council*; on the other it is to be observed, that Raja Gourdas is not Roy Royan, and that the Office is by no Means of such a Rank or Consequence as could possibly restore Mahomed Reza Cawn to *any improper Degree of Power*.

The Roy Royan is no more than principal Mutesuddie, or Clerk of the Khalsa; whose Duty it is to attend at the Meetings of the Board of Revenue, to make Reports, to answer to all Enquiries, and to receive occasional Instructions. It appears to us, that such an Office conveys no Degree of Dignity whatever; the inconsiderable Share of Power annexed to it, is immediately under the Controul of the Revenue Board. It must also be remarked, that the Roy Royan is a Hindoo Office, consequently not to be exercised by a Mussulman; and that for this Reason Mahomed Reza Cawn could not accept of it with Propriety.

With this View of the Instructions before us, and considering that they do not prescribe to us such a clear and determinate Line of Conduct as would preclude any Difference of Opinion, and leave nothing to our own Discretion; we apprehend that the present Sense and Intentions of the Court of Directors cannot be better ascertained than by recurring to the Plan which they originally adopted for the Regulation of the Country Government, when they received Advice of the Accession of the present Nabob to the Musnud. We find it stated, in their Letter of the 28th of August 1771, in Terms too clear and precise to admit of any Misrepresentation; and we do not doubt that, upon due Consideration of the Subject, it will be found much more judicious, and better adapted to the respective Circumstances of this Country, and of the Company, than that which the late President and Council, of their own Authority, thought proper to substitute in its Place. In our Minute of the 15th of September we have already observed, that the Appointment of Munny Begum, Raja Gourdas, and Raja Bullub, and the Distribution of the Salary among those Three Persons, which the Court of Directors had appropriated to a single Office, was a direct Disobedience of their Orders. It is our Opinion, taken on the most mature Deliberation, that the Board should now revert to those Orders, and endeavour to carry them into Execution, as far as our present Circumstances will permit. On the Removal of Mahomed Reza Cawn, it was evidently the Company's Intention to substitute a single Minister in his Place, to transact the political Affairs of the Sircar; they instruct their Servants "to select, for that Purpose, some Person well qualified for the Affairs of Government, and of whose Attachment to the Company's Interest they were well assured; and to recommend him to the Nabob to succeed Mahomed Reza Cawn as Minister of the Government, and Guardian of the Nabob's Minority." The mischievous Consequences of departing from this System, have been such as the late President and Council might easily have foreseen. For Want of a Person of Credit and Abilities to fill the Station of Minister, and who, supported by our Influence, and subject to our Controul, might represent and act for the Nizam during his Minority, the Country Government, which it has been the constant Policy of the Company to support, has been reduced to such a State of Weakness and Insignificance, as not even to carry the Appearance of a Government, either to its own Subjects or to Foreigners. All Differences and Discussions with the foreign Factories, in which it is not the true Interest of the Company to appear as Parties, and which ought properly

## A P P E N D I X, N<sup>o</sup> 6. (C)

properly to have been referred to the Nabob or his Ministers, have been taken up directly by the Representatives of the Company as Principals: The Company of course, without Necessity, and contrary to their own political System, are made responsible to the Nation for all the Consequences which may attend any Acts of Force or Hostility exercised by their Servants in checking the Encroachments of the foreign Factories on the Rights and Authority of the Country Government. In this View alone, the Expediency of supporting an ostensible Authority in the Nabob, is too obvious to be disputed: At the same Time his positive Rights are founded on a specific Treaty, and cannot, in our Opinion, be invaded by the Company's Servants, without a Violation of every Principle of Justice and good Faith.

The Consequence of reducing the just and constitutional Powers of the Nizamut to their present feeble State, have not been confined to the political Interests of the Company.

Every Member of this Board must know, and we believe that no Man feels it more sensibly than the Governor General himself, that since the Transfer of the Lands from the original Owners to the present Farmers, and since the Abolition of the local Jurisdictions exercised by the Zemindars in their respective Zemindaries, which followed that Transfer, the internal Government of the Country has fallen into a most alarming State of Confusion.

By the Constitution of Bengal, the Zemindar presided in the Criminal Court of his Districts, pronounced and executed Sentences on all Offences less than capital, and was answerable to the Nizam for the Peace and good Order of the Country, as far as his Jurisdiction extended. An Institution of this Nature might undoubtedly be liable to Abuses; but it was conformable to the Manners and Prejudices of the People, who looked up to their Chiefs alone for Justice and Protection. It made an essential Part of the Constitution of the Country, and could not be abolished without breaking that regular Chain of Subordination and Dependence, by which the Government and the People were united in One political Body. Mr. Hastings himself admits these Consequences, and declares, "That by the Removal of the Zemindary Jurisdictions, the Confidence of the Decoits was increased; and that no Method had been substituted for giving Intelligence to Government of such Events as related to the Peace of the Country." Abuses will find their Way into the Practice of the wisest Institutions; but they ought to be corrected by a steady and vigorous Administration, not by rashly forcing the accumulated Wisdom and Experience of Ages to yield to the crude Ideas of a few Foreigners (for such the English are in Bengal) on a Subject, which they can hardly be supposed to have understood, even if they had had the Welfare of the Country ever so sincerely at Heart.

The Annihilation of the judicial Powers formerly exercised by the Zemindars, was however a necessary Consequence of dispossessing them of their Lands. The Revenues could not easily be collected by the Farmers, if a Power had been reserved to the Zemindars, to which the Ryots might have Recourse against the Oppression of their new Masters.

It became necessary therefore to form a new Plan for the Administration of Criminal Justice: A Court of Fouzdarry Adawlut was accordingly established in each District, for the Trial of all Crimes and Misdemeanors; a Supreme Court of Fouzdarry Adawlut was established at Calcutta, under the especial Care of the President, with Power to confirm all Sentences from the Subordinate Courts, except Capital, which were referred to the Nizam.

It was soon found by Experience, that the Institution of these Courts had not "produced the Benefits expected from them, and that the Public Tranquillity could not be secured without the Extension of other and extraordinary Means."

What Benefit indeed could be derived from the new Courts of Justice, when even the Regularity and Precision, introduced into their Proceedings, are assigned by Mr. Hastings, "*as One Cause of the Increase of Robbers.*"

No stronger Proof can be produced, that they were not founded on Principles reconcileable to the Genius and Temper of the People.

As a Remedy for this and many other Evils which the Establishment of the Phouzdarry Courts had either created or not removed, particularly the Want of Ministerial Officers for the Apprehension of Offenders, which the new System had not provided for, the late President, in his Minute of 19th April 1774, proposes the farther Institution of several Fouzdars, or Officers of Police, to be stationed in the Districts, with Power to apprehend Decoits and other Offenders, and bring them to Justice. Even this Expedient has failed of its proposed Effect. We have too much Reason to believe, that the Fouzdars themselves, with their numerous Followers, have, in many Instances, either screened the Decoits, or joined with them, and that upon all Occasions they have made Use of their Power to plunder and oppress the People whom they were sent to protect. The Governor General has repeatedly represented to this Board the deplorable State of the Provinces with respect to the Administration of Justice; he has desired to be relieved of the Superintendence of the Fouzdarry Court, and Controul of the Fouzdars, as of a Burthen to which he is unequal; and has requested us to take the Subject generally into our Consideration.

It seemed necessary to enter thus far into the internal State of the Country and Government, not only that the Measures which we mean to recommend to the Board might be regularly introduced, but that the Governor General and Mr. Barwell might be able to determine at one View, whether those Measures are conformable to the Spirit of our Instructions, and adapted to our actual Situation.

It is now the clear unquestionable Determination of the Court of Directors to support an ostensible and active Power in the Country Government. The Nabob himself, from Youth, Inexperience, and the



# A P P E N D I X. N° 6. (C)

the total Neglect of his Education, is incapable of exercising this Power. The executive Authority of the Nizam must be delegated to a Minister, who, acting in his Master's Name, may nevertheless be sensible that he owes his Appointment solely to our Recommendation, and that his Continuance in Office depends upon his Attachment and Gratitude to the Company.

We are convinced there is no Man in the Provinces in every Respect so well qualified for this important Post, as Mahomed Reza Cawn; and we think the Declarations now made in his Favour by the Court of Directors, entitle us to replace him in it.

We offer it therefore as our Opinion, that the Board should recommend him to the Nabob to be Minister of the Government, and Guardian of his Highness's Minority, with Authority to transact the political Affairs of the Sircar. He should be instructed to superintend the Nabob's Education, to chuse proper Servants and Companions for him, and to endeavour to recover him from the dishonourable State of Ignorance and Dissipation in which we fear he is still immersed. He should be particularly impowered and directed to reduce and regulate the Expences of the Nabob's Household in such a Manner as to enable him to extricate his Highness from his Debts and Incumbrances, without calling upon the Company for an Increase of his present Income.

After the Appointment of a Minister at the Durbar, it will be equally unnecessary and inexpedient for this Board, whether as Principals or Parties, to enter into any Discussions with the Foreign Factories on Questions touching the Rights and Authority of the Country Government, in which, as Representatives of the East India Company, we have strictly no Concern. Every Question of that Nature may be immediately referred to the Nabob and his Ministers, who understanding the Constitution of the Country, and the Extent of the Privileges originally enjoyed by the Foreign Factories, will probably be better able than we are to answer any Arguments produced by those Factories in Support of their Pretensions. If ultimately it should be found necessary to maintain the Authority of the Country Government by Force, the Nabob will call upon us for that Assistance which we are bound by Treaty to afford him, and which may be effectually employed in his Name. In the mean Time we shall be relieved from the Burthen and Odium of many Discussions with the Foreign Factories, in which, though not strictly Parties, they affect to consider us as Principals. Another, and most important Branch of the Minister's Duty, should be, to examine into the actual State of the Fouzdarry Courts and Conduct of the Fouzdars, and to take a general Review of the Administration of Criminal Justice throughout the Country; he should have full Authority given him either to enforce the Operation of these Courts upon the present Establishment, or to new-model and correct them. If neither of these Measures should be found practicable, it will be his Duty to form and propose some other Plan better accommodated to the State of the Country and the Manners of the People, and which at the same Time may not be incompatible with the System on which the Lands are actually farmed. In short, as Ministers of the Nizam, the Criminal Justice of the Country, with all the Courts and Officers belonging to that Branch of Government, is properly under his Care, and he should be made responsible for the due Administration of it. The Office established under the Control and Authority of the late President, for receiving and registering all Reports from the Fouzdars, and issuing Orders to them, should be transferred to Muxadabad, and placed under his Direction.

It is our Opinion that he should be allowed a Salary of Two Lacks Forty thousand Rupees, which, though inadequate to the Dignity of his Station, and to the Services expected from him, is, we apprehend, the utmost the Board can allow him out of Three Lacks appropriated for this Office by the Court of Directors, the Remainder being reserved for the Roy Royan.

We are now to consider in what Manner it may be proper to carry the Company's Instructions in Favour of Raja Gourdas into Execution. The Court of Directors say, that "in Consideration of the favourable Character they have received of him, they have no Objection to his being appointed to any Office of less Importance (than that which they supposed him to be in Possession of) if we should be of Opinion that his Behaviour has entitled him to such a Mark of their Indulgence."

We cannot refuse Raja Gourdas our Testimony in his Favour; and we know of no Employment, in any Degree proportioned to his Rank and Station, of less Importance than that of Roy Royan: The Office is merely ministerial, and the Salary annexed to it less by Two Fifths than that he at present enjoys. We must in this Place declare ourselves totally unacquainted with the Merit or Services of Raja Bullub: His original Appointment was unauthorized; and, supposing such an Office to have been ever so necessary, we think it should not have been entrusted to a very young Man, who certainly had no Experience, and could not be supposed to possess any Knowledge of the Business of the Revenues.

We therefore feel no Scruple or Reluctance whatever in advising the Dismissal of Raja Bullub, and the Appointment of Raja Gourdas to succeed him.

(Signed) J. Clavering,  
Geo. Monson,  
P. Francis.

Mr. Barwell — The Orders of the Company are, in my Opinion, clear and explicit; they direct that the Station to which Raja Gourdas was advanced, during the Investigation ordered into Mahomed Reza Cawn's Conduct, shall be vacated; they direct that Mahomed Reza Cawn shall be placed in his room; they declare the Conduct of Nundcomar appears to them inconsistent and unworthy, and that they feel a Repugnance to the Continuance of his Son in the high Office of Roy



Roy Royan of the Province (this can mean nothing more than the high Office he at present holds) or any other that may speak their Approbation of the Conduct of Nundcomar, in the Honours conferred, or to be conferred, by this Government on his Son. They direct, conceiving the Office of Roy Royan to be blended with the Trust that Gourdaſs has hitherto diſcharged, that he ſhall no longer act in that Office; but, in Conſideration of the favourable Character they have received of him, they have no Objection to his being employed in Offices of leſs Importance, if this Government ſhall be of Opinion he is entitled to ſuch a Mark of the Company's Indulgence. The Word "Objection" ſtrongly marks the Sentiments of the Court of Directors reſpecting the Son of Nundcomar, that they were unwilling, by any public Honours to be granted to him, to convey to the Minds of the Natives their Approbation of any Services rendered by the Father; but if any particular Merits of the Son might, independently, entitle him to Favour, their Governor and Council are *merely* permitted to conſider them. The Words of the Company cannot be too often repeated; they ſay "they have no Objections." If they meant in any Reſpect to recommend the Son of a Perſon whom they have declared to be notoriously obnoxious in their Eye, it would certainly have been done in expreſs Words; in the Manner in which his Name is now noticed, the Company have pointedly declared, that under no Conſideration whatever do they allow the Government to employ Gourdaſs, the Son of Nundcomar, unleſs ſome particular Services rendered to the Company, and the Merits of the Man, give him Claim to Favour; and then they only ſay, "ſuppoſing ſome *ſpecific Services and Merits, we have no Objections to his being employed.*" The Company have repeatedly confirmed Rajah Raje Bullub, both on account of his ſuppoſed perſonal Knowledge in the Revenue, having been from his Infancy employed in the Khaltā Department under his Father Rajah Dolubram, the Dewan of theſe Provinces, and likewise on the Score of his Father's Services rendered to the Company, to fill the Station of Roy Royan. It will be both partial and contradictory to the Intentions of the Company, to place Gourdaſs in Competition with this Man, who never had any Employment in the State, from which it was poſſible for him to acquire the moſt trifling Knowledge of the Interests of theſe Provinces in the Adjustment of their Rents and Revenues. It is plain that the Company did not deſign to leave it in the Option of this Board, to purſue any particular Aim in favour of Gourdaſs to the Detriment of an Officer fixed in his Station by themſelves. The moſt that can be underſtood, from the Company's obviously miſtaking the Roy Royan's Office to be blended with Raja Gourdaſs's, is, to interpret this Miſtake in favour of Mahomed Reza Cawn, as he is expreſsly pointed out by their Orders to fill the Station in which Raja Gourdaſs has been no more than a Pageant; I ſay a Pageant, becauſe it is notoriously known that he has neither Acuteness of Parts, Knowledge, or Talents; that he has been the mere Inſtrument in the Hands of his Father, and muſt ever remain an Inſtrument in the Hands of ſome one; and though he may appear oſtenſibly to act, I make no Doubt in the Courſe of Time it will appear, that European or Native Influence has been the Spring of every Tranſaction of Importance he ſhould ſeem to engage in. In theſe Sentiments I diſſent to the Opinion delivered by the Majority on the Senſe of the Company's Letter from Paragraph 39 to Paragraph 47, fully perſuaded the Conſtruction is equally forced and unnatural; that the ſame Biās which our Public Proceedings in various Sheets ſhew to the Father, has interpreted the Orders of the Company in favour of the Son.

The Company have ordered Mahomed Reza Cawn, in my Opinion, to be placed in the Station now occupied by Raja Gourdaſs: They have ordered Raja Gourdaſs to be removed to make room for him: They have not ordered (as the Majority preſume) the employing Raja Gourdaſs in any other Station; they have only ſaid, they *have no Objection, provided he has Merit and ſpecific Services to plead.* I beg Leave to explain the Grounds upon which I have now ſaid the Company enjoin, that unleſs Raja Gourdaſs has particular Merit and ſpecific Services to plead to their Indulgence, that he ſhall not be employed; their own Words are, "If you ſhall be of Opinion that his Behaviour has entitled him to ſuch a Mark of our Indulgence, we have no Objection to his being appointed to any Office of leſs Importance."

Mr. Francis — I think Mr. Barwell allows himſelf a very conſiderable Latitude, when he interprets the Word *Behaviour*, into Raja Gourdaſs's having Merit and *ſpecific Services to plead.*

The Governor General. — I diſſent from every Reſolution of the Majority, as contradictory to the Orders of the Company, and inconfiſtent even from thoſe which they are profeſſed to carry into Execution; and I hereby enter my Proteſt againſt them, and all the Conſequences which may enſue from them. I have too much to ſay upon the Subject to be dictated in a verbal Minute at this Board; I will deliver in my Reaſons in Writing at another Time. I meant to have contented myſelf with this ſhort Diſſent to the Reſolutions already formed, conceiving my Opinion to be unneceſſary, and precluded from any poſſible Effect by thoſe Reſolutions; underſtanding, of courſe, the Recommendations of the Majority delivered in ſo formal and decided a Manner as the Reſolutions of the Board: But as I perceive that it is expected of me to give an Opinion in the Terms of my own Queſtion, I will comply with the Form required of me in a few Words. It is my Opinion, then, that the Company's Orders require that Raja Gourdaſs ſhould be removed from the Appointment which was granted to him under the Sanction of the laſt Adminiſtration, and, a fortiori, from every Addition ſince made to it; and that Mahomed Reza Cawn be appointed Dewan to the Nabob's Houſehold in his Stead.

Reſolved, That the Board recommend Mahomed Reza Cawn to the Nabob, to be Miniſter of the Government and Guardian of his Minority, with the Powers and Authorities as deſcribed in the Minute delivered in by General Clavering, Colonel Monſon, and Mr. Francis.

Ordered, That the Secretary acquaint Mahomed Reza Cawn, that the Honourable the Court of Directors

## A P P E N D I X; N<sup>o</sup> 6. (C) (D)

Directors have been pleased to approve of the Proceedings of the late Board, on the Investigation of his Conduct, by which he was acquitted of the Accusations laid to his Charge, excepting the Amount due to the Company on Account of the Dacca Revenues, which Sum, however, they have suspended their Claim to, in Consideration of the Inconveniencies which he may have suffered during the Time of his Examination; and wishing that he should remain under no Obligation to them than that of Gratitude, they consent to his total Enlargement: And that he be further acquainted, that the honourable the Governor General and Council have therefore been pleased to recommend him to the Nabob Mobarek O' Dowla, to be Naib Soubah, or Minister, of the Sircar, and Guardian of his Minority, with Authority to transact the Political Affairs of the Sircar, to superintend the Fouzdarry Courts, and the Administration of Criminal Justice throughout the Country, and to enforce the Operation of the same on the present Establishment; or to new model and correct it: And as the Board wish that he shall have full Controul of the Officers of the Criminal Courts in the Character of Naib Soubah, they propose to remove the Nizamut Adawlut, now at Calcutta, to be held in future at Moorshedabad.

Resolved also, That Raja Gourdas be appointed to the Office of Roy Royan in the room of Raja Raje Bullub.

Ordered, That Notice be sent to the Board of Revenue of the foregoing Appointments, that Raja Raje Bullub may be acquainted of his Dismissal from that Board: And

Resolved, That the following Letter be written to the Resident at the Durbar.

Sir,

The Honourable the Court of Directors having considered the Proceedings of the Investigation into the Conduct of the Nabob Mahomed Reza Cawn, they have approved of his Acquittal from the Charges which had been alleged against him, excepting the Debt due to the Company on account of the Dacca Revenues; the Claim for which they have, however, been pleased to suspend, in Consideration of the Inconveniencies he may have suffered during his Examination.

As they also think proper that he should again be employed, we beg Leave to recommend him to the Nabob to be appointed Naib Soubah, or Minister of his Government, and Guardian of his Minority, with Authority to transact the Political Affairs of the Sircar, to superintend the Fouzdarry Courts and the Administration of Criminal Justice throughout the Country, and to enforce the Operation of the same upon the present Establishment, or to new model and correct it; also, to attend to the Education and Instruction of his Excellency, and to regulate the Expences of his Household. And as the Regulation of Criminal Justice will be entirely under his Controul, we mean to remove the Office of Nizamut Adawlut, established at the Presidency under the late President, to Moorshedabad.

As the Appointment of Mahomed Reza Cawn will supersede the Office now held by Raja Gourdas, you will acquaint the Nabob that we have appointed him to the Post of Roy Royan.

We are, &c.

## ( D )

Extract of Fort William Secret Consultations, 30th October 1775.

Read a Letter from Mahomed Reza Cawn, as follows:

Copy of a Letter from the Nabob Mahomed Reza Cawn.

On the 23d Shabana (19th October) I received a Letter from Mr. Auriol, the Secretary to the Council, to the following Purport (here he quotes the Secretary's Letter, agreeable to the Board's Resolution of the 18th Instant.)

I beg Leave to represent to you, Gentlemen, that from the Time when I was first honoured with an Employment in the Company's Affairs, I never took any Step but for the Interest of the Company; to promote which I exerted myself with so much Assiduity, in Conjunction with the Company's Administration, that in various Instances I gained great Applause. It therefore afforded me the highest Pleasure to hear that the Company approved of the Decree declaring my Innocence, and that they were satisfied of the Injustice of the Accusations falsely laid to my Charge. And as my being again received into Employment will make known the Approbation, and will tend to raise my Character and Reputation, I shall therefore accept, with the greatest Pleasure, an Appointment, which the Governor General and Council having been so kind as to fix on for me, have recommended to the Nabob Mobareck ul Dowla to bestow on me: By the Blessing of God, when it is approved, I shall exert my utmost Abilities in the same Manner as I have ever done in the Execution of the Trust. But I beg of you, Gentlemen, to reflect, that considering of my former Salary, Station, and the important Office to be now entrusted to me, the Salary of 2,40,000 Rupees, which you fixed on, is not sufficient to defray the Expences which by the Usage of the Country

A P P E N D I X, N<sup>o</sup> 6. ( D ) ( E )

Country I must be at. I had also flattered myself, after the extreme Disgrace which I, a faithful Adherent of the Company, had suffered from the false Accusations brought against me; that when the Company were informed of my Innocence and good Character, they would have given me greater Marks of their Favour than they had even formerly done. As you, Gentlemen, have shewn me so much Regard, and engaged so heartily in my Favour, whatever therefore you determine, considering it as for my Interest and Advantage, I shall agree thereto; but I am hopeful, that when you are thoroughly acquainted with the Distresses I have suffered, you will honour me with the same Powers in the Administration of the Affairs of the Sircar as I formerly enjoyed; and thereby enable me to manifest my Fidelity and Attachment to the Company.

Read a Letter from the Nabob Mobarek ul Dowla, approving of the Appointment of Mahomed Reza Cawn, recorded in the Persian Correspondence, and received the 29th Instant.

Agreed that the following Letter be written to Mr. Martin, Resident at the Durbar :

Sir,

The Nabob Mobarek ul Dowla having in a Letter to the Governor General signified his Approbation of the Appointment of Mahomed Reza Cawn to be Naib Soubah, which we had recommended to him, we desire that you will obtain from the Nabob a proper Sunnud for the Investiture of his Office, and transmit it to us, that it may be duly presented to him.

We are, &c. &c.

Fort William,  
30th October 1775.

Warren Hastings,  
J. Clavering,  
Rich<sup>d</sup> Bawell.

( E )

Extract of Fort William Secret Consultations, 6th November 1775.

Read the following Representations from Mahomed Reza Cawn :

From the Nabob Mahomed Reza Cawn, addressed to the Governor General and Council :  
Received the 6th November 1775.

Enclosed I transmit you a List of Articles relating to the Niabut of the Nizamut Foujedarry, &c. and am hopeful that for the Regulation of the Affairs of the Niabut, and for the Administration of the Affairs of the Foujedarry, the Signature of the Council may be affixed to the Purport of the said Articles, and their Orders sent to the creditable Zemindars and principal Farmers.

Articles relating to the Niabut of the Nizamut Foujedarry, &c.

1st. The Governor General and Council have been pleased to appoint me, Sied Mahomed Reza Cawn, Mozuffer Jung, to the Office of Naib Soubah, which I formerly held, with the Superintendence of the Foujedarry and Adawlut, the Cauzyship, the Administration of Criminal Justice, and the Regulation of Weights and Measures, with Authority to adjust and correct the Method on which the Business has been conducted; it is necessary that my Seal and Signature be likewise authentic in all Matters relative to the above Offices.

2dly. Let the Council issue an Order that the Nabob's stipulated Salary be paid monthly; that it may be received from the Khallā Treasury, and deposited in that of the Nizamut.

3dly. For the Regulation of the Nabob Mobareck ul Dowla's Affairs, it will be necessary to augment the Salaries of some, and to decrease those of others; and also to make some Appointments and Dismissions. It will likewise be necessary to make some Changes in the Officers of the Foujedarry, &c. without this it will be impossible to effect a Regulation.

4thly. The Nizamut Sircar is very greatly in Arrears to the Servants of the Government on Account of their Salaries, and those who have any Claims will make a Demand of them. From whence are these Arrears to be paid?

5thly. It is the Design of the Board in appointing me to the Foujedarry to bring Thieves to Punishment, and to root out all Robbers and Murderers: This requires the greatest Vigilance and Attention. Whenever any Circumstance occurs, and I address the Board thereon, I am hopeful that they will immediately apply a Remedy.

In the same Manner the Foujedars in the Mofussil will have continual Occasion to write to me, and it will in many Cases be necessary for me to enquire the Particulars from the Vackeels of the Zemindars and Farmers, and it will likewise be necessary for the Zemindars and Farmers to represent a Variety of Causes to the Sudder Cutcherry at Moorsshedabad; this makes it requisite that a

## A P P E N D I X, N<sup>o</sup> 6. ( E ) ( F )

Vackeel should remain at the Sudder Cutcherry on the Part of every creditable Zemindar and Farmer. Let an Order therefore be issued to them by the Board for that Purpose, and that every Zemindar and Farmer deliver to the Foujedar a List of the Number of Zemindarry Tannahs in his District, together with the Names of the Persons stationed in them; and strictly enjoining them that they pay implicit Obedience to the Orders of the Foujedars in all Matters relating to the Foujedarry.

6thly. Let an Order of the Board be issued to the Chiefs of the several Districts, that whenever their Assistance is required by the Foujedars stationed in the Tannahs, for the Apprehension of Robbers and Murderers, or for any other Business of the Foujedarry, they are to pay Attention to their Representations, and to afford them their Assistance for the Accomplishment of such Business; and that whenever I write to them on any Affair relating to the Foujedarry, &c. or to the Cauzies, Musties, and other Officers of the Adawlut, they are to comply therewith.

7thly. How many Tannahs shall be established throughout the Districts of Bengal, Bahar, and Orissa; how many Men with the Foujedars and Officers shall be stationed in each; what Salaries shall they receive; and at what particular Places shall the Tannahs be fixed?

8thly. There are at present stationed at different Places in the Districts of Bengal, Bahar, and Orissa, Officers of the Adawlut, and Cauzies, and Musties. Let an Order of the Board be issued to whomsoever has the Seristah in his Possession, to give me an Account of the Number of them and the Salaries they receive.

9thly. It is the Custom with the People here, to pay Respect and Obedience to the Person from whose Hands they receive their Wages. This being the Case, if the Officers of the Adawlut and Foujedarry receive their Salaries from me, the Affairs of the Sircar will be regulated on the best Footing.

Ordered, That the Secretary wait on Mahomed Reza Cawn, to desire his Attendance at the Board on Thursday Morning next; and at the same Time, that he learn from him what Kind of a Khelaut he received in his former Appointment, and that he provide a similar one for this Occasion.

## ( F )

Extract of Fort William Secret Consultations, 9th of November 1775.

Mahomed Reza Cawn attending agreeably to the Board's Requisition, signified to him by the Secretary in consequence of the Order of the 6th Instant, is invested with a Khelaut and the proper Jewels: His Two Sons attending also, are clothed in proper Dresses and Jewels, which had been prepared for them.

The Nabob's Attendants being ordered to withdraw, the Honourable the Governor General acquaints him of the Orders and Opinions of the Court of Directors upon the late Enquiry into his Conduct; also, the particular Instructions upon the different Offices assigned him, as follows:

### To Mahomed Reza Cawn.

You have already been informed, in a Letter from the Secretary, of the Approbation expressed by the Honourable the Court of Directors, of the Proceedings of the late President and Council in their Examination of your Conduct, and of the Terms upon which that Honourable Court have adjudged you acquitted of the several Charges upon which you were tried.

This Board is now happy to be the Instrument of the more favourable Orders and Intentions of the Company, and of publicly manifesting their Regard and Confidence in you, in the Appointment which has been lately bestowed upon you. At the same Time, they deem it proper to recommend the following Points to your Attention, in the different Occupations which you now hold.

1st. In the Office assigned you, of Guardian to the Nabob and Superintendant of his Household, the Board expect that you pay the strictest Attention to Frugality in the Nabob's Expences, and that you conform to the Orders of the Company, which direct, that an Annual Account of them be transmitted through the Resident of the Durbar, for the Inspection of this Board; and a translated Copy of their Orders on this Head accompanies this. This Duty the Company, as the proper Guardians of the Nabob, have a Right to exact from you. The Payments of the Nizamut are much in Arrears; and the strictest Attention to Economy is the only Means by which you can raise a Fund for the Discharge of his Debts.

2dly. The Board recommend, that you pay great Attention to the Education and Morals of the young Nabob: That you set apart certain Portions of the Day for the different Studies which may be necessary to cultivate his Understanding, and for his Appearance in his Durbar: That you cause as much of the Official Duties and Public Transactions as possible, to pass under his Inspection, to habituate him to the Practice, and instruct him in the Knowledge of Business: That you carefully guard him from dissolute and bad Company, and place only such Persons about him as, by an approved Attachment to his Family, by a proper Behaviour and discreet Conduct, may both merit his Confidence and improve him by their Example.

A P P E N D I X, N<sup>o</sup> 6. ( F )

3dly. We shall apply to you, as Naib of the Nizamut, for the Interposition of the Name and Authority of the Nizam in all Disputes which may happen between this Government and the other European Settlements, whether in Matters of Revenue, Commerce, or such as regard the Peace and good Order of the Country: And in all such Occasions we shall expect from you an instant and cautious Attention both to the Rights of the Company and of the Government you serve, as well as a speedy, peremptory, and steady Conduct in the Support of them.

The Administration of Criminal Justice throughout the Country being now entirely under your Superintendence and Controul, the Board desire you will take Care that the several Courts be composed of Men who are qualified by their Learning and Integrity for those Trusts; that they be not appointed by partial Recommendations; and that their Places be not occupied by Deputies, but that they personally attend to the Duties of their respective Offices, and conform literally to the Rules enjoined them; that they transmit their Proceedings Monthly to the Sudder, where you will cause them to be expeditious in revising them, and in passing the Futwas, and that you issue the Warrants of Execution without Delay.

The Foujedarry Chucklas have yet only been in Part established; those which have been fixed are at the Chucklas of Houghley, Catwa, Mirzanagur, and Boofna. Copies of the Plans of these Establishments, and of such other Plans as have been formed or recommended, will be delivered to you; and you will confirm such of them as you shall approve, and propose any Alterations and Amendments which in your Judgment may tend to improve the System, and make it more likely to preserve the Peace of the Country; but in all these Establishments, and in whatever new ones you may find it necessary to recommend, we desire you will observe the greatest Economy.

(Signed) Warren Hastings,  
&c. Council.

Agreed, That Mahomed Reza Cawn be furnished with the above in the Persian Language.

The following Letter from the Resident at the Durbar, with its Contents, is now communicated to Mahomed Reza Cawn:

Gentlemen,

I am favoured with your Letter of the 30th ultimo; and have now the Pleasure of transmitting you the Nabob's Sunnud, confirming the Appointment of Mahomed Reza Cawn to the Superintendancy of the Foujedarry Court of Adawlut. He has however declined giving his Sunnud for the Office of Naib Soubah, as a Thing not customary, and which he informs me was never done by any of his Predecessors; he is nevertheless perfectly satisfied with the Appointment; and if it should be your Pleasure to require such a Grant from him as materially necessary for the Investiture of that Office, I make no Doubt of his ready Compliance.

I am, with the greatest Respect, &c.

Moorshedabad,  
4th November 1775.

(Signed)  
W. B. Martin,  
Resident.

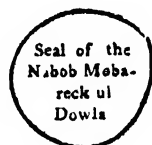
The Nabob having desired that a new Sunnud may be obtained for him, containing a full Confirmation of the Offices to which he has been appointed by the Board; the one sent by Mr. Martin, and executed by the Nabob Mobareck ul Dowla, respecting only the Administration of the Foujedarry Adawlut;

Agreed, That they be both translated, and entered in this Place.

Translation of a Sunnud sent by Mobareck ul Dowla to Mahomed Reza Cawn.

To all Mutsuddies for Affairs, Zemindars, Chowdries, Canongoes, and all Officers in the Soubahs of Bengal (the Paradise of Regions) and Bahar, be it known:

As we have conferred the Superintendence of the Foujedarry Adawlut of the said Provinces, on the Dismission of Sudder ul Hoc Cawn, upon our loving Friend the Nabob Mobarez ul Mulck, Maieen ul Dowlah Khân Khânân, and Mahomed Rezan Khan Behaudre, Mozuffer Jung, that in the Execution of the said Office, and in the settling of all Claims and Disputes, or of any Matters which may be brought before the Adawluts throughout the Country under our Jurisdictions, he may act agreeably to the Laws declared by the Oolmas (Persons versed in the Laws) Fazils, and the Officers of the Laws; it is therefore required of them, that, considering the said Nabob as our especial Naib, they do not in any Manner act contrary thereto. On this Occasion know the strictest Injunctions. Dated the 9th of Ramzan, in the 17th Year of the Reign.



Proposed



## A P P E N D I X, N 6. ( F ) ( G )

Proposed Sunnud by Mahomed Reza Cawn.

"To all Mutsuddies for Affairs both present and future, Fousdars, Aumils, Muttachudars, Farmers, Zemindars, Chowdries, Canongoes, and Inhabitants of every Rank, of the Soubahs of Bengal (the Paradise of Regions) and of Bahar and Orissa, be it known,

That we have appointed to the Office of Naib Soubah of the said Provinces, with the Fouzdarry of the Tannahs and Adawlut, the Cauzyship, the Yatsaub, the Ista, the Superintendence of the Affairs of our Sircar, and of the Expences of our Household, the issuing Orders in all Affairs, the Superintendence of the Adawlut, and Administration of Criminal Justice according to the Laws which he formerly held; that he should execute the same without the least Deviation from the established Rights and Usages, and apply himself diligently to the Regulations of the Affairs of the Nizamut, Adawlut, and Fouzdarry, the Abolishment of Disputes and Contests, the rooting out of Murderers and Robbers of all Denominations, and the Punishment of litigious and quarrelsome Persons, Disturbers of the Peace, and bad Members of Society; and for the Protection and Support of the Malzugars, and Relief of the Oppressed, as well as in the Dispensation of the different Degrees of Corrections, capital Punishment, and Retaliation, agreeable to the Laws; the Adjustment of the Affairs of our Household and Regulation of our Expences, and in all our political and domestic Affairs: It is therefore required of them, that, regarding the said Nabob as our Naib, invested with full Authority, they consider his Orders as binding, and his Seal and Signature as authentic, and on no Account deviate in any Measure from these our Orders. On this Occasion, knowing the strictest Injunctions, act agreeable thereto. Dated

Resolved, That the foregoing Sunnuds lie for Consideration.

( G )

Extract of Bengal Secret Consultations, 6th December 1775.

Received the following Letter from the Resident at the Durbar:

Gentlemen,

I have now the Pleasure to acquaint you, that Mahomed Reza Cawn, agreeable to his Appointment, has this Day taken Charge of the Nabob's Household, and the Management of his Affairs.

I remain, &c.

Moorshedabad;  
2d December 1775.

(Signed)

W. B. Martin,  
Resident.

The Secretary lays before the Board the following Opinions, which have been given upon the Articles proposed by Mahomed Reza Cawn, and recorded in Consultation 6th November.

1st. The Governor General and Council have not appointed Mahomed Reza Cawn to the Office of Naib Soubah, but have recommended him to the Nabob for that Appointment: He has added Two Offices to those assigned him by the Board, namely, the Cauzyship and the Regulation of Weights and Measures. These Offices he cannot hold without the express Appointment of the Board, and the Nature of them ought to be very minutely explained before they can be conferred upon him.

The Nabob's Seal and Signature should be used in all permanent Acts of the Nizamut, but the current Transactions may be properly authenticated by the Naib alone. This, upon the Principle established for his Appointment, must be the Act of the Nabob, not of the Board.

2d. Is very proper.

3d. I disapprove of any Power that may be given to Mahomed Reza Cawn to augment Salaries, or to make new Appointments, without the Concurrence of the Board previously obtained; for this principal Reason, among others, that the Accounts of the Nizamut are represented to be greatly in Arrears, which can only be cleared off by Savings in the Expences.

4th. From Savings in the Expences.

5th. All proper, but the Article of Vackeels; they are not necessary, and will be a heavy Expence to the Farmers, and of course to Government. Most of the Informations which he requires, so far as the Fouzdarry Establishment has hitherto been carried, may be furnished from that Office.

6th. All proper, but the Requisition of Assistance to the Cauzies and Musties; which seems to allude to some Powers intended to be vested in those Offices, which I hope the Board will not allow them.

7th. The Plan of the Fouzdarry Establishments, which has been already adopted, and the other Plans recommended by the Provincial Councils, may be put into his Hands; and it will rest with him to recommend such an Establishment, whether any of these, or one more expedient of his own Formation, to the Board.

8th. Proper.

9th. Let the principal Officers of the Adawlut and Fouzdarry receive their Wages from him, and the inferior Officers from the Principal.

(Signed) W. H.

156



## A P P E N D I X, N° 6. ( G )

1st. We have only recommended Mahomed Reza Cawn, not appointed him. As Representative of the Nazim, I conceive the Cauzyship will devolve to him of course, and I think it very proper that the Regulation of Weights and Measures should be committed to his Care.

In all Matters relative to the Business of his Offices, his Seal and Signature should be authentic.

2d. Agreed. \*

3d. Provided that upon the Whole, he reserves One-fourth at least, for the Liquidation of Debts; I would leave the Distribution of the Remainder to his Discretion, supposing always that he renders an Account of such Distribution to the Board.

4th. From Savings.

5th. Agreed, except that I suspend my Consent to the Article of the Vackeels, until I know whether it be absolutely necessary.

6th. Agreed.

7th. He should take the present Establishment into Consideration, and propose Alterations if he thinks them necessary.

8th. Agreed.

9th. Agreed, as the Governor General proposes.

(Signed) P. F.  
J. C.

All agreed to with the Reservations made by Mr. Francis.

(Signed) G. M.

Agreeably to these Opinions the Secretary has prepared an Answer to Mahomed Reza Cawn, which he begs Leave to lay before the Board for their Approval, as follows.

The Honourable the Governor General and Council have received and considered your Address to them of the 6th Instant, containing Nine different Articles, which you proposed as requisite to be established, contingent to the Offices of Naib of the Nizamut and Superintendant of the Foujedarry Courts; and the Board have been pleased to come to the following Determinations upon them. To the

1st. It is necessary to observe, that the Board have not appointed you to your present Offices; they only recommended you to the Nabob for that Purpose. Neither the Cauzyship nor the Yetesaul were expressly named in the Appointment recommended by the Board. The former will of course be under your Controul; and if you shall judge it necessary to place this Office on its original, or any better Footing, or to restore the Office of Yatesaul, which was abolished Three Years ago in consequence of the Regulations which were made at that Time, we expect that you previously advise us of your Sentiments, and lay before us the Plan which you shall have formed for the better Regulation of these Offices, that they may receive our Concurrence to their being carried into Execution.

2d. Agreed to.—An Order will be issued to Mr. Martin to pay the Nabob's Stipend by regular monthly Kists.

3d. The Stipend of the Nabob will be entrusted to your Management, provided, upon the Whole, you reserve One-fourth of the Amount for the Liquidation of his Debts; the Distribution of the Remainder will be left to your Prudence and Discretion. It is expected, however, that you deliver Annual Accounts of the same to the Board, in the Manner required by their Instructions.

4th. The Arrears of the Nizamut Sircar can only be discharged by Savings in the Nabob's Expences.

5th. The Board will always pay a proper Attention to any Representation you may find it requisite to make to them on the Nature and Duties of your Offices. The Zemindars and Farmers will be ordered to deliver to the several Foujedars an Account of the Number of Zemindarry Tannahs in their Districts, with the Names of Persons by whom they are held, and will be strictly enjoined to obey the Foujedar in all Matters relating to his Jurisdiction; but the Board cannot give their Consent to the expensive Syllem of Vackeels being stationed, on the Part of the Zemindars and Farmers, at the Suddler, unless that Measure shall appear to them absolutely necessary.

6th. Orders have been sent to all the Provincial Councils, to afford you, or the Officers of the Foujedarry Courts, all proper Assistance in the Execution of their Functions.

7th. This has been answered by the Instructions of the Board, with which you are furnished, with the Plans of the present Establishments; and desired to propose any Alterations that you may judge necessary.

8th. Orders will be issued accordingly to the proper Officers.

9th. The principal Officers of the Adawluts and Foujedarry may receive their Salaries from you; but the inferior Officers should receive them immediately from their Principals.

Ordered, That the foregoing Letter be translated in the Persian Language, and sent to Mahomed Reza Cawn.

Read the following Letter and Account from Mahomed Reza Cawn, which had been circulated, with an Extract of the Secret Department Consultation of the 3d June 1774, to the Members of the Board, for their Opinions.

# A P P E N D I X, N° 6, (G) (H)

From the Nabob Mahomed Reza Cawn, addressed to the Governor General and Council: Received the 13th November 1775.

I take the Liberty to represent to the Governor General and Council, that I formerly applied to the Board for an Order for the Payment of a Sum of Money, due to me from the Company on Account of the Arrears of my Salary before I was called down to Calcutta. The Board replied, that till an Answer was received to the Decree, they could not comply with my Request. A favourable Answer having been, by the Blessing of God, received from the Company, expressive of Regard to me, I am hopeful that you will be pleased to give an Order for the Payment of the said Arrears. As I have at present the most pressing Occasion for Money, if you are so kind to grant me the Payment of this, I shall esteem myself highly obliged.

An Account of the Arrears of Salary due to me from the Company to the 18th of Byzaak, in the Bengal Year 1179, or 28th April 1772, when I was removed from their Employment; which I am hopeful may be now discharged, that I may employ it for my necessary Expences. As I am to leave Calcutta on Friday, I again repeat my Application on this Subject.

To the Month of Cheyte, in the Year 1178,	—	—	—	2,62,855	11	9	2
To be deducted on Account of Neshaut Baug	—	—	—	30,000	—	—	—
				2,32,855	11	9	2
To 18 Days Salary at 2,500 Rupees per Day, from the 1st of Byzaak 1179 } to the 18th of the same Month —	—	—	—	45,000	—	—	—
Total	—	—	—	2,77,855	11	9	2
Claimed by the Nabob as above	—	—	—	2,32,855	11	9	2
Balance due to him by the Revenue Books	—	—	—	2,21,647	5	9	—
Difference	—	—	—	11,208	6	—	—

Read also, the following Opinions of the Members of the Board, received back with the foregoing Letter.

I cannot consent to the Payment of so large a Sum without some Authority from the Company, especially as they have been silent upon it, on an Occasion in which they have decided at large on the various Points of his Conduct which had been referred to them, and have declared him their Debtor in a much greater Amount than the Balance of his former Stipend.  
(Signed) W. H.

If the Balance which Mahomed Reza Cawn claims, be a Debt which the Accountant of the Treasury acknowledges to be justly due to him, I think it ought to be paid to him. The Company has acquitted him of the Charge of which he was accused, and directed, that the specific Sum of Eighteen Lack, claimed by them, shall stand suspended. If the Company had intended, that the above Sum should have been liquidated from the Money that was due to Mahomed Reza Cawn, they would not have failed to have ordered it to have been detained for that Purpose. The Company were informed that Arrears of Pay were due to him.  
(Signed) J. C.

I agree with General Clavering { P. F.  
R. B.

As the late Administration did not think proper to pay Mahomed Reza Cawn the Arrears of his Stipend, due before his Order for Confinement, I cannot consent to its being paid until we hear from the Directors on the Subject. The Demand is just, and I have not the smallest Doubt but the Company will order the Payment of it. It should be represented to them in our present Letter.  
(Signed) G. M.

A Majority of the Board being of Opinion that the Amount of Arrears due to Mahomed Reza Khan, should be paid to him;

Ordered, That the Accountant to the Revenue Department be required to examine the Account delivered in as above; and that the Balance which he may acknowledge to be justly due to Mahomed Reza Khan, be discharged at the Treasury.

## ( H )

Extract of Fort William Secret Consultations, 7th December 1775.

Reply to the Minute of General Clavering, Colonel Monson, and Mr. Francis, entered in Consultation of the 18th October 1775.

I have already entered my Protest against the Resolution of the Majority, for the Appointments of Mahomed Reza Khan and Rajah Gourda's, and the Dismission of Maha Rajah Bullub, in the Consultation of the 18th of October.

SER. COM. REP. V.

Z

On

## A P P E N D I X, N° 6. (H)

On a Revival of the Minute delivered on that Day by Mr. Barwell, I find the Subject of those Appointments so fully discussed as to leave little for me to add in Elucidation of it: Indeed, to attempt a deliberate and minute Refutation of the Arguments which have been made use of by the Majority for the Justification of their Conduct on this Occasion, would be to allow them more Weight than in my Opinion they can justly claim; since a plain Recital of the Company's Orders, and of the Measures professedly taken in Obedience to them, will be sufficient to shew their total Incongruity. The following is a clear State of both.

The Words of the General Letter are as follows: "Par. 46. The Conduct of Nundcomar in the Part he has taken against Mahomed Reza Cawn, appears to us so very inconsistent and unworthy, that we feel a Repugnance to the Continuance of his Son in the high Office of Roy Royan of the Province; and as the Acquittal of Mahomed Reza Cawn warrants us again to employ him, we direct, that if he can with Propriety accept of that Office, under the Regulations and Restrictions established by our President and Council, and with the Salary granted to Rajah Gourdahs for executing the same, he be forthwith appointed thereto, and receive a proper Khellaut and such other Marks of Distinction as are usually conferred on Natives on like Occasions. We mean not by this Appointment to restore Mahomed Reza Cawn to any improper Degree of Power, but merely to testify our Satisfaction on finding his former Conduct has been so much better than we expected."

"Par. 47. And in regard to Rajah Gourdahs, though we cannot consent to his remaining Roy Royan of the Province, yet, in Consideration of the favourable Character we have received of him, we have no Objection of his being appointed to any Office of less Importance, if you shall be of Opinion that his Behaviour has entitled him to such a Mark of our Indulgence."

The plain and evident Meaning of these Orders is, that they disapprove of the Continuance of Rajah Gourdahs in the Office which had been assigned him, as an Incitement and Gratification of his Father's Services, whose Conduct they condemn; that they therefore direct him to be dismissed of it, and Mahomed Reza Cawn to be appointed in his stead. They add, in Explanation of their Intentions respecting both, that the Dismissal of Gourdahs for his Father's Demerits, was not to disqualify him for any Office of less Importance to which he might be entitled by his own Behaviour, nor Mahomed Reza Cawn restored to any improper Degree of Power, but employed in such a Manner only, as might serve to publish his Restoration to their Favour.

Unfortunately, in specifying the Office held by Rajah Gourdahs, they have mistaken it for that of Roy Royan, which he never possessed, but which had been given to Mahraja Rajebullub; and this they direct to be transferred from Gourdahs to Mahomed Reza Cawn.

It would have been consistent with the Respect which is due from the Servants of the Company to their Superiors, to have drawn a Veil over any Errors which, in the Variety and Intricacy of their Affairs, are sometimes unavoidable; and to have adopted the Spirit of their Commands where the Letter differed from the Facts upon which they were formed. Instead of this Rule, the Majority have given an Ecclat to a Mistake, which was in itself of no Consequence, by making it the Foundation of Measures diametrically opposite, both in Spirit and Letter, to those which had been enjoined. They have conferred on Mahomed Reza Cawn, the Dignity of Naib Soubah, with all the Appendages of that high Office which had been abrogated by the late President and Council, with the subsequent Approbation of the Court of Directors; by which, all the Powers of the Magistracy, and of the Courts of Criminal Justice, throughout the Provinces, center in the Person of Mahomed Reza Cawn alone, without a Check or Controul. This, certainly, was not such an Appointment as the Honourable Court of Directors alluded to, when they said they meant "not by it to restore Mahomed Reza Cawn to any improper Degree of Power, but merely to testify their Satisfaction on finding his former Conduct had been so much better than they expected."

As a Preparative to this Measure, Rajah Gourdahs was divested of the Offices which he unworthily filled in the Nizamut; and because the Court of Directors had been pleased to declare, that "they had no Objection to his being appointed to any Office of less Importance than that of Roy Royan," he was appointed to that of Roy Royan, from which they had expressly enjoined his Removal.

Mahraja Rajebullub, who lay under no Disqualification, who had held the Office of Roy Royan by an Appointment long since confirmed by the general Approbation of the Court of Directors, whose Father had an equal Share with the Nabob Jaffier Ally Cawn in the Negotiations which laid the Foundation of the British Empire in India, was abruptly and ignominiously dismissed, to make room for Rajah Gourdahs, and to expiate, in his stead, the Inconsistency and Unworthiness of his Father, Maha Rajah Nundcomar.

One Cause indeed they have assigned for the Dismissal of Mahraja Rajebullub, which is implied in their Objection to his original Appointment, viz. his extreme Youth and Inexperience. If these are Disqualifications, the Gentlemen of the Majority have been very unfortunate in the Choice which they have made of Rajah Gourdahs to supply his Place. Mahraja Rajebullub is at this Time Thirty-one Years of Age, and had acted in the Character of Roy Royan before his Appointment by the late President and Council: Rajah Gourdahs is at this Time but Twenty-four Years of Age, was never employed in the Business of the Revenues, and, I will venture to say, is incapable, by any Practice, of acquiring a competent Knowledge of it. This Opinion of Gourdahs is not of late Adoption; it will be found both in my Minutes and in one of Mr. Middleton's, in the Proceedings of

## A P P E N D I X, N° 6. (H) \*

of the Committee of Circuit, at the Time in which he was proposed for the Dewanny of the Nizamut, and assigned as the principal Reason for giving him that Appointment.

I have Reason to believe that the Court of Directors, in the Orders which have been above quoted, considered them as strictly conformable to the Sentiments which I had myself entertained, and even expressed to them, upon the Subjects to which they refer; and will hear perhaps with Surprise, that these have been made use of to cast a Reproach on my Conduct, and to ground on them the Repeal of the Measures of the past Administration, which have already had their repeated Applause and fullest Confirmation.

I hope therefore I shall stand sufficiently excused to them, if I decline to enter again into a Field of superfluous Argument to prove the Propriety of those Arrangements, or to convince those from whom I have received the most honourable Testimonies of their Satisfaction with my Conduct, that it was not, as the Gentlemen of the Majority are pleased to affirm, "a direct Disobedience of their Orders;" yet, as the Minute of the Majority contains many Misrepresentations, Misquotations, and Conclusions which, according to my Conceptions, do not justly follow from their Premises, I shall beg Leave to extract such Passages of it as appear liable to those Objections, and insert my Replies in the opposite Column to them.

The mischievous Consequences of departing from this System have been such, as the late President and Council might easily have foreseen. For want of a Person of Credit and Abilities to fill the Station of Minister, and who, supported by our Influence, and subject to our Controul, might represent and act for the Nizam during his Minority; the Country Government, which it has been the constant Policy of the Company to support, has been reduced to such a State of Weakness and Insignificance, as not even to carry the Appearance of a Government, either to its own Subjects or to Foreigners.

The mischievous Consequences intended by the Paragraph, ought to be pointed out. I know of none which were produced by the Abolition of the Office of Naib Soubah, or the Appointment of Munny Begum to be the Minister of the Nabob's Government. It is of little Consequence whether Rajah Gourdass, or Mahomed Reza Cawn; whether with the Title of Guardian or Dewan, or of Naib Soubah, be made use of as the Instrument of authenticating the Acts of Government, which affect the foreign European Nations. All the Arts of Policy cannot conceal the Power by which these Provinces are ruled, nor can all the Arts of Sophistry avail to transfer the Responsibility of them to the Nabob, when it is as visible as the Light of the Sun, that they originate from our own Government; that the Nabob is a mere Pageant, without the Shadow of Authority, and even his most consequential Agents receive their Appointment from the Recommendation of the Company, and the express Nomination of their Servants. Even the Orders of the Court of Directors of the 28th August 1771, which direct the Appointment of an ostensible Minister to the Nabob, and under which the late Arrangements are professedly formed, appear in the printed Proceedings of the House of Commons; and are open to the View of every Nation in Europe.

If more shall be thought necessary for the Elucidation of a Subject of such self-evident Conviction, I beg Leave to refer to the Minutes of the Committee of Circuit, entered on their Proceedings of the 11th and 28th of July 1772, and to my Minute of the 31st of July last, which went a Number in the Northumberland's Packet; in which the Mode of Conduct to be observed with the Foreign European Settlements, and the Consequences of the Pretences which have been held out to them by this Government, are very fully discussed.

Every Member of this Board must know, and we believe that no Man feels it more sensibly than the Governor General himself, that since the Transfer of the Lands from the original Owners to the present Farmers, and since the Abolition of the local Jurisdiction exercised by the Zemindars in their respective Zemindaries, which followed that Transfer, the internal Government of the Country has fallen into a most alarming State of Confusion.

I cannot subscribe to the Opinion which is quoted as mine in this Paragraph. In the Plan which I delivered in to the late Board of Revenue, on the 19th of April 1774, and to which I suppose it alludes, I mentioned, as one Cause of the Encrease of Robbers, "the Removal of that Claim which the Public, by immemorial Usage, before possessed, to the Restitution of all Damages and Losses sustained by Robbers on the Zemindars of the Country." It was not "the Abolition of the local Jurisdiction exercised

By the Constitution of Bengal, the Zemindar presided in the Criminal Court of his District, pronounced and executed Sentences on all Offences less than Capital, and was answerable to the Nizam for the Peace and good Order of the Country, as far as his Jurisdiction extended.—An Institution of this Nature might undoubtedly be liable to Abuses, but it was conformable to the Manners and Prejudices of the People, who looked up to their Chiefs alone for Justice and Protection. It made an essential Part of the Constitution of the Country, and could not be abolished without breaking that regular Chain of Subordination and Dependence, by which the Government and the People were united in one Political Body.

“ exercised by the Zemindars,” but of the Disuse of the Penalty to which I, in Part, attributed those Disorders. The Farmers possessed the same Powers which the Zemindars had exercised before, but the Penalty was not exacted from them, because, as I have stated it in the same Minute, it would have ultimately fallen on the Government itself; and so it would, if the Zemindars had been left in Possession, and the Penalty exacted from them, unless such a Share of the Rents had been allowed them as was retained by the Zemindars when they held their Lands, in a less Degree of Dependence on the Government; which has not been the Case for many Years before I returned to this Country, or even before the Acquisition of the Dewanny.

The Nature of the Jurisdiction which the Constitution of Bengal allowed to the Zemindars, as it is explained in the opposite Paragraph, differs very widely from the Idea which I have always entertained of it. I venture to pronounce, with Confidence, that, “ by the Constitution of Bengal the Zemindar neither presided in the Criminal Court of his District, nor pronounced nor executed Sentence on all Offences less than Capital;” nor on any Offences whatever except the Non-payment of the Rents. “ He was answerable ” (it is true) “ for the Peace and good Order of the Country, as far as his Jurisdiction extended,” but only as the subordinate Instrument of a larger System. The Land Servants, or the ancient Militia of the Country, were under his immediate Charge, and being distributed throughout the Zemindarry, enables the Zemindar both to watch over its internal Quiet and to obtain Information of whatever passed in any Part of it; and so far the Foujdarry Jurisdiction is inherent in the Zemindar. In the Exercise of it he was subject to a Fouzdar, who had the Superintendance of a District comprehending many Zemindarries; and had the Tannahs or inferior Stations under the Charge of Affairs, and armed Men dependant on him, besides a Part of the Land Servants of each Zemindarry, the rest being employed to guard the Villages and enforce the Collections.

It was the Zemindar's Duty to give constant Intelligence to the Nabob, through the Roy Royan, and to assist the Fouzdar in the Apprehension of Robbers, and in executing the Measures which were required of him for preserving the Peace of the Country; but this Duty first and immediately belonged to the Fouzdar, who was the Representative of the Nizam, and “ to him the People looked up for Justice and Protection even against their Chiefs.” The Fouzdar was the Check even upon the Zemindars, who were often, and those of the Dacca District always, the Patrons and Abettors of Decoys, whose Haunts and Practices it was their especial Duty to detect. In effect, the Law or Custom which made the Zemindar responsible for all Robberies committed in his District, whatever might have been the Purpose of its original Institution; operated, and was regarded under the Mahomedan Government, rather as a Punishment for Connivance than a Fine for Neglect. Many Instances may be quoted of Zemindars who exercised

exercised other Powers, and particularly in the oppressive Custom which they had assumed of levying unlimited Fines from their Ryots on Accusations of Fornication, and a Variety of other Pretences. Such is the Case in all despotic Governments, especially in those which have undergone frequent Revolutions; but I believe, and I have Authority for believing, that the constitutional Powers, of which the general Police of Bengal was composed, will be found to have been exactly as I have described them. The Abuses which were exercised by the Zemindars, and others in Authority, are enumerated amongst other Evils by the Committee of Circuit, in a Letter to the Board, dated the 15th August 1772, in these Words: "The Zemindars, Farmers, Shudras, and other Officers of the Revenue assuming that Power, for which no Provision is made by the Law of the Land," &c. &c. This is a clear Demonstration that the Zemindars were at that Time regarded by myself, and by the Committee of Circuit, as possessing no Right to exercise a judicial Authority; and being written on an Occasion on which we could not be suspected of any Bias, will be admitted by every candid Judge as a Proof that the Zemindars really did not possess that Right. The Zemindar of Burdwan was allowed the Exercise of a Fouzdarry Jurisdiction by a special Sunnud from the Nizam. I believe there is not another Instance; and this is rather a Proof of the Existence of the System which I have described, than an Exception to it, otherwise an especial Sunnud would have been unnecessary.

Mr. Hastings himself admits these Consequences, and declares, that by the Removal of the Zemindarry Jurisdictions the Confidence of the Decoys was increased, &c.

Abuses will find their Way into the Practice of the wisest Institutions; but they ought to be corrected by a steady and vigorous Administration, not by rashly forcing the accumulated Wisdom and Experience of Ages to yield to the crude Ideas of a few Foreigners (for such the English are in Bengal) on a Subject which they can hardly be supposed to have understood, even if they had had the Welfare of the Country ever so seriously at Heart.

This is a Mis-quotation, which, by substituting one Word for another entirely changes the original Sense. It was not by the Removal of the Zemindarry Jurisdictions, "but of the Fouzdarry," that I declared that the Confidence of the Decoys was increased, &c. and it was for that Reason I recommended the Restoration of the Fouzdarries.

Men who treat with Contempt the Opinions of others, ought to be very well grounded in their own. The simple Construction of this Paragraph does not point out with Precision whom it intends by "the few Foreigners who have rashly forced the accumulated Wisdom and Experience of Ages to yield to their crude Ideas;" but as the Censures of the Gentlemen of the Majority have never been carried further back than the Period of the late Administration in which I presided in it, I conclude that it is meant to charge me and my former Colleagues with having abolished the ancient Constitution of Bengal, and introduced Innovations formed on our own crude Ideas in its stead.

To obviate any Imputation which might be made by such an Imputation, I am glad of this Occasion to declare, that all the Measures of the late Administration, to which the Minute now before me has any Reference, were no more than the Forms of Government which belonged to the ancient Constitution of Bengal, revived with such Modifications, and such only, as were absolutely necessary to accommodate it to the Genius and Principles of our own. The Fouzdarry Jurisdiction was abolished long before the Com-

A a

ment



mencement of my Government; the Custom by which the Zemindars were compellable to make Restitution for Stolen Goods, was become obsolete; and the Courts of Justice had fallen into Disorder many Years, even before the Company acquired the Dewanny. These Changes and Corruptions were the natural Effects of a disordered System, and the usurped Power of Individuals, under the frequent Revolutions to which the Country had been subject, during the Course of the last Twenty Years; and it was the Labour of the late Administration to eradicate and correct them, not by inventing new Expedients, but by endeavouring to adopt those which the accumulated Wisdom of Ages had already prepared. Conformably to this Rule, the Courts of Justice were re-established with little other Variation besides the entire Separation of the Criminal from the Civil Judicature, and the Admission of the authorized Jurisprudence of the Hindoo's, which the Bigotry of the Mahometan Rulers permitted, but without an acknowledged Right, to the Exercise of it. On the same Principles an Attempt was made to restore the Fouzdarry Establishment, but not universally, because we were fearful of hazarding their Effects at once over the whole Face of the Country, till some Experience had convinced us of their Utility.

The Revenues could not easily be collected by the Farmers, if a Power had been reserved to the Zemindars, to which the Ryots might have Recourse against the Oppression of their new Masters.

It became necessary therefore to form a new Plan for the Administration of Criminal Justice; a Court of Fouzdarry Adawlut was accordingly established in each District, for the Trial of all Crimes and Misdemeanors.

What Benefit indeed could be derived from the new Courts of Justice, when even the Regularity and Precision introduced into their Proceedings are assigned by Mr. Hastings \* as one Cause of the Increase of Robbers. No stronger Proof can be produced, that they were not founded on Principles reconcileable to the Genius and Temper of the People.

\* Vide Mr. Hastings Minute of the 17th April 1774.

This is a very strange Reason assigned for the Establishment of the Fouzdarry Adawluts, and is so peculiarly inapplicable to their Institution, that the Oppressions which the Farmers exercise over the Ryots are not even cognizable in the Fouzdarry Courts. Those who candidly read the Plan which was formed by the Committee of Circuit for the Administration of Justice, will conceive very different and more liberal Sentiments of the Motives and Design of the Courts, both of Civil and Criminal Judicature; which, unless I am deceived by my Advices, have obtained universal Applause in England, and have been productive of the most beneficial Effects in Bengal.

It is difficult to reply to a Reasoning of this Kind, which consists only in a superficial State of the Argument which it is intended to refute, without a direct Conclusion from it.

In the Plan which was proposed for the Institution of Fouzdarries, Four principal Reasons were assigned for the Increase of Robbers, one of which was, the "Regularity and Precision" which had been introduced into the new "Courts of Justice;" because the Mahometan Law required the positive Testimony of Two Witnesses for the Conviction of capital Offenders, and the Decoyts carrying on their Designs in the Night and under Disguise, could only be convicted by presumptive Proofs, by the Notoriety of their Characters, or by their own Confession. I know not by what Connection this is said to be a Proof that the Fouzdarry Courts were not founded on Principles reconcileable to the Genius and Temper of the People. The Law was introduced into Bengal with the First Mahometan Conquest, and is as old as the Roman Civil Law, from which it is probably derived. It has never been found to be repugnant to the Genius and Temper of the People; and its Effects have been

As a Remedy for this and many other Evils, which the Establishment of the Foujdarry Courts had either created or not removed, particularly the Want of Ministerial Officers for the Apprehension of Offenders, which the new System had not provided for, the late President, in his Minute of the 19th April 1774, proposes the farther Institution of several Foujdars or Officers of Police, to be stationed in the Districts, with Power to apprehend Decoyts and other Offenders, and bring them to Justice.

We have too much Reason to believe, that the Phoufdars themselves, with their numerous Followers, have, in many Instances, either screened the Decoyts or joined with them; and that upon all Occasions they have made Use of their Power to plunder and oppress the People whom they were sent to protect.

The Governor General has repeatedly represented to this Board, the deplorable State of the Provinces with respect to the Administration of Justice. He has desired to be relieved of the Superintendence of the Phoufdarry Courts, and Controul of the Phoufdars, as of a Burden to which he is unequal; and has requested us to take the Subject generally into our Consideration.

such as every Nation, however civilized, must have experienced, where Justice was administered with a scrupulous Exactness. To this Defect, which is the Defect only of the best Institutions, the Mahometan Law has provided one effectual Remedy, by allowing a Power in the Magistrate to interpose an extraordinary Authority for the Punishment of such Offences as the Law in its ordinary Course could not reach. In such Cases, if the Guilt was enormous, and the Proofs amounted to an internal Conviction, it was usual, and the Law enjoined it, to punish the Offender with Death, for an Example and Terror to others; and this Practice I ventured to recommend, because it was the Law of the Country, because it was reconcileable to the Genius and Temper of the People, and because I knew that the Peace of the Country could not be preserved without it. More I presume need not be said, to prove that the Defects of the Foujdarry Courts, if such can be called Defects, were not owing to any Form given them by the late Government, but were inherent in their original Constitution, and inseparable from it.

The Gentlemen of the Majority very unfairly pass over the real Causes which were assigned for the Institution of the Foujdar or Officer of the Police, and confine it solely to one which had no original Share in it.

The Foujdars were recommended to be appointed for the Guard of the Country, because, since their former Abolition no other, or at least no effectual Means, had been provided for securing the Peace of the Country; because many of the Land Servants, who were the constitutional Guards of the Country, had been dismissed; and because the Farmers and Zemindars being no longer answerable for Robberies, either neglected or encouraged them. The Encouragement afforded to public Robbers by the scrupulous Exactness of the Foujdarry Courts of Justice, is mentioned for the Purpose of recommending another Remedy as above explained, with which the Office of the Foujdars has no Kind of Relation.

Affirmations are no Proofs. I have Reason to believe, that the Foujdars, instead of screening the Decoyts, as the Gentlemen of the Majority suppose, did very effectually contribute to suppress them; and produce, as a Proof of this, the Petition of the Ryots of Buzergomedpoor, which is entered in the Revenue Proceedings of the 7th of April last, for the Appointment of a similar Jurisdiction in that District, expressly grounding their Request on the Effects which had been produced in the neighbouring Districts from that of Mirzanagur.

This has no immediate Connection with the preceding Subject, nor do I know why it is introduced in this Progression. I shall reply to it as it stands, without Regard to any other Conclusion to which it may point, except the everlasting Theme of the Impropriety of every Measure which was formed by the last Administration. It is true, that I have frequently represented the deplorable State of the Provinces with respect to the Administration of Justice, and desired to be relieved from the Superintendence of the Foujdarry Courts, and the Controul of the Foujdars. But

I beg

I beg Leave to assign in this Place my Reasons for the one, and my Motive for the other: The Courts of Justice were regularly conducted till the Accession of the present Council; from that Date the Dewanny Courts have been neglected; the Sudder Dewanny, to which all Appeals were made from the inferior Courts, has been dissolved, and since totally abolished. From the same Period may be dated the disordered State of the Foujdarry Courts. To these I used formerly to give a large Portion of my Time: But neither in the Superintendance of these Courts, nor in the Controul of the Foujdars, could I venture any longer to act, when I saw myself deprived of the Confidence and Support which had formerly enabled me to execute so delicate a Trust, and when every Occasion was seized by my Associates in the Government, to weaken my Authority and to blacken my Conduct.

He should be instructed to superintend the Nabob's Education, to chuse proper Servants and Companions for him, and to endeavour to recover him from the dishonourable State of Ignorance and Dissipation in which we fear he is still immersed.

The implied Sense of this Sentence is, that the Nabob's Education has been greatly neglected by Munny Begum. I believe the Charge is without Foundation. When I met him at Plassey in June 1772, I found him in a State of extreme Meanness, and deficient in Language, Sentiment, and even of the most ordinary Forms of Civility. I met him at the same Place the next Year, with a Retinue suitable to his Dignity, and his Manners and Language totally changed. He was about 14 Years of Age when he was placed under the Tuition of Munny Begum; and I believe it is generally allowed, that the Bent of Genius and Habits of Inclination, which have taken Possession of the Mind at that Period, are seldom to be eradicated by any subsequent Precept or Example, but decide the future Character of a Man through Life.

Another and most important Branch of the Minister's Duty, should be to examine into the actual State of the Foujdarry Courts and Conduct of the Foujdars; and to take a general Review of the Administration of Criminal Justice throughout the Country. He should have full Authority given him, either to enforce the Operation of these Courts upon the present Establishment, or to new-model and correct them.

From this Sentence, and from other Passages in the Minute of the Gentlemen of the Majority, in which they seem to confound the Foujdarry Courts and Foujdars, I am afraid, from the Similitude of the Name, which was perhaps too scrupulously retained in the Institution of the latter, others, who have less Means of being informed of the Nature of those Establishments, may be misled to understand them as being connected, or as bearing some mutual Relation. It may be proper therefore to obviate the Misconstruction, by a brief Explanation of the Nature of both.

The Foujdarry Courts are Courts instituted for the Trial of all Crimes and Misdemeanours. The Foujdars are Officers appointed to guard the Peace of the Country, and to seize all Offenders against it. They have no Power to judge or to punish; but are to consign such Persons as they have apprehended, to the Foujdarry Courts, where they are to undergo their Trial. This Transfer is the only Connection which one Office has with the other; the Proceedings and their Authority being totally distinct and independent. Both will, I hope, be continued, and the Foujdarry, or the Establishment of the Police, extended to every Part of the Country, according to the Design of its first Institution. I am still of Opinion, that better Plans cannot be devised for the Satisfaction of the People, and their Protection from the worst of Oppression.

(Signed) Warren Hastings.

A P P E N D I X, N° 6. (I) (J)

( I )

Fort William Secret Consultations, 7th December 1775.

Extract of Minute of General Clavering, Colonel Monson, and Mr. Francis, dated 21st November 1775.

8th. The Motives on which we have restored Mahomed Reza Cawn to the Office of Naib Soubah, have been clearly explained. To recover the Country Government from the State of Feebleness and Insignificance to which it was Mr. Hastings's avowed Policy to reduce it, was no easy Task. According to the Governor General's Plan, we should have confined the only Man perhaps of real Abilities and extensive Knowledge in the Country, to the unimportant Office of Steward of the Nabob's Household, at a Time when a Minister of the Government was wanted, and when the Administration of Criminal Justice through the Country was at a stand. The Measure seems to us indispensably necessary, and promises Success. In recommending Mahomed Reza Cawn to his present Post, we presume to think that we have rendered an essential Service to the Company.

( J )

Extract of Fort William Secret Consultations, 11th December 1775.

The Accomptant General to the Revenue Department sends in an Account of the Balance due of Arrears of Salary to Mahomed Reza Cawn.

**Mahomed Reza Cawn in Account Current with Honourable Company.**

D.

[illegible]

Fort William, the 19th December 1775.

**Errors excepted.**

(Signed)

Charles Crofts,  
Accomp' Gen' to the Rev' Dep'.

**Ordered,**

A P P E N D I X, N<sup>o</sup>. 6. (J) (K)

Ordered, that the Account be entered after the Consultation ; and that it be translated into the Persian Language, and sent to the Nabob's Vaqucel, to explain the Cause of the Difference arising between the Account delivered in by the Nabob and that now before the Board : And

Resolved, That the Balance, amounting to Sicca Rupees 1,58,869. 8. 19. 2. be advanced from the Treasury at Moorshedabad to the Resident at the Durbar, and that he pay the same to Mahomed Reza Cawn.

The following Letters are in Consequence written to Moorshedabad and Mr. Martin.

To Mr. Edward Baber, &c. Council, Moorshedabad.

Gentlemen,

We direct that you advance from your Treasury to the Resident at the Durbar, on his Application to you, the Sum of Sicca Rupees, One Lack Fifty-eight thousand Eight hundred and Sixty-nine, <sup>S<sup>a</sup>. R<sup>s</sup>.</sup> Eight Annas, Nineteen Gundas, and Two Cowries (1,58,869. 8. 19. 2.) for Payment of Arrears of Salary due to the Nabob Mahomed Reza Cawn.

Fort William,  
11th December 1775.

We are, &c. &c.

To Mr. W. B. Martin, Resident at the Durbar.

Sir,

You will pay unto Mahomed Reza Cawn the Sum of Sicca Rupees, One Lack, Fifty-eight thousand <sup>S<sup>a</sup>. R<sup>s</sup>.</sup> Eight hundred and Sixty-nine, Eight Annas, Nineteen Gundies, and Two Cowries (1,58,869. 8. 19. 2) being the Balance due to him for Arrears of Salary previous to his Dismission from the Office of Naib Soubah, on the 28th April 1772. This Sum the Chief and Council at Moorshedabad have been ordered to advance you.

Fort William,  
11th December 1775.

We are, &c. &c.

( K )

Extract of General Letter to Bengal, dated 24th December 1776.

Par. 35. The easy Prey which the Nabob has been made to his menial Servants, and their utter Want of Ability, Integrity, and Attention, to render him in any Degree respectable, even in the Eyes of the Natives, are Circumstances that had led us to reconsider our Instructions to our late President and Council respecting Mahomed Reza Cawn. We were always of Opinion, that an able ostensible Minister, during the Minority of the Nabob, would be necessary ; and late Events have but too strongly confirmed us in such Opinion : And as the Abilities of Mahomed Reza Cawn have been sufficiently manifested ; as official Experience qualifies him for so high a Station in a more eminent Degree than any other Native with whom the Company has been connected ; and as no Proofs of Mal-administration have been established against him, either during the strict Investigation of his Conduct, or since his Retirement ; we cannot, under all Circumstances, but approve your Recommendation of him to the Nabob, to constitute him his Naib : We are well pleased that he has received that Appointment, and authorize you to assure him of our Favour, so long as a firm Attachment to the Interest of the Company, and a proper Discharge of the Duties of his Station, shall render him worthy of our Protection.

36. We are by no Means prepared to decide upon that Part of your Instructions which commits the Administration of Criminal Justice entirely to the Superintendence of Mahomed Reza Cawn, nor of his Plan for carrying the same into Execution ; we observe it has had your Approbation, and therefore suppose it is at present operating in the Country ; but whether, in the present State of Things, such Authority could be legally conferred on Mahomed Reza Cawn, or whether his Instructions to his inferior Phouddarry Officers will clash with the Jurisdiction of the Supreme Court established by His Majesty's Charter, are Questions of too great Importance for us to hazard an hasty Opinion thereon. We have already laid before His Majesty's Ministers a Collection of such Papers as must explain our Embarrassments, occasioned by the extensive Operation of the Authority and Jurisdiction of the Supreme Court of Judicature over Natives not in the Service of the Company : And if any Alterations should be made in consequence of our Application, or otherwise, you will of course receive Information. In the mean Time, Copies of your Instructions to Mahomed Reza Cawn, and of his Plan for the Execution of Criminal Justice, shall be laid before the most eminent Counsel in this Kingdom, in order to obtain their Opinions, whether any Objections arise thereto in Point of Law, which Opinions we shall transmit to you by the earliest Opportunity for your Information and future Guidance.

(L) Extract



( L )

Extract of Fort William Secret Consultations, 23d February 1778.

The Governor General desires that the following Letter from the Nabob Mobareck ul Dowla may be read.

From the Nabob Mobareck ul Dowla : Received 12th February.

I have already address'd repeated Letters to your Excellency, stating very fully the Trouble and Uneasiness I suffer from the Nabob Mahomed Reza Cawn's being invested with the Office of the Naibship of the Nizamut, with the Management of the Affairs of the Country, and of the several Offices of my Household, the Administration of the Business of the Adawlut and Phoufdarry within the Soubahs, and of all the Affairs of the Nizamut, as well as of my domestic Concerns, and the Superintendence of myself and Family; because the said Nabob, regarding only his own Benefit, and the Increase of his Greatness in future, pays no Regard or Attention to my Interest or Advantage.

The Nabob Mahomed Reza Cawn is neither connected with me by the Ties of near Relationship, nor of sincere Attachment; that he should be invested with such a Degree of Power, is highly oppressive and dishonourable to my Family. I am now, by the Favour of God, come to Years of Maturity, and to that Age when, by the Precept of our holy Law, and the Usage of Mahomedanism, I ought to take Charge and Management of my own Affairs; and by the Blessing of the Almighty, I am not so devoid of Understanding as to be incapable of conducting them. I am therefore hopeful, from your Favour and Regard to Justice, that you will deliver me from the Authority of the aforefaid Nabob, and give your Permission that I take on myself the Management of the Adawlut and Phoufdarry of the Soubahs, as well as of my own Household, and of the Business of the Nizamut, which is my Right.

The Company who have acquired so great Authority in this Country, and raised themselves to their present Degree of Greatness and Dominion, are indebted for the Advantages solely to the warm Support of my Ancestors; and you know what Degree of Authority I am at present possessed of. I therefore ask nothing more than my Right; and should the Company, disregarding the Situation and Rights of this Family, refuse their Approbation to my Request, which is perfectly just and right, it will be highly inequitable.

I am hopeful that, maturely weighing this Matter, your Excellency will give me the Management of the Affairs of the Nizamut, of my own Household, and the Offices attached thereto, together with the Administration of the Adawlut and Phoufdarry within the Soubahs, which are my Right. This will be an Act of the highest Justice in the Gentlemen, and will engage my Gratitude, and that of all the helpless Dependents of this Family.

Governor General—I move, that the Opinions of the Members of the Board may be taken, Whether the Requisitions contained in the above Letter shall be complied with, or denied? It is late, nor would I wish the Board to form any decided Resolution upon a Subject of this Nature, without the fullest Deliberation; I desire, therefore, that the Secretary may send the Letter and Question round to the different Members of the Board, that their Opinions may be taken at the next Meeting of Council.

Ordered, That the Letter from the Nabob Mobareck ul Dowla be accordingly circulated with the above Question to the Members of the Board, for their Opinions thereon.

Warren Hastings.  
Rich<sup>d</sup> Barwell.  
P. Francis.  
Edw<sup>d</sup>. Wheler.

( M )

Extract of Fort William Secret Consultations, 2d March 1778.

Re-considered the Letter from the Nabob Mobareck ul Dowla, received the 12th, and recorded the 23d ultimo.

Mr. Wheler delivers in the following Minute:

Mr. Wheler—After having very maturely considered the 40th Paragraph of the General Letter from this Presidency to the Court of Directors, dated the 20th November 1775, particularly that Part of it which mentions the Appointment of Mahomed Reza Cawn to the Naibship of the Nizamut, for the Support of that ostensible and active Power in the Nizamut which the Nabob, from Youth and Neglect of Education, was judged incapable to exercise; and having likewise perused the

## A P P E N D I X, N° 6. (M).

the 35th Paragraph of the General Letter from the Court of Directors, dated 24th December 1776, wherein they highly approve, for the Reasons above quoted, of the Appointment of Mahomed Reza Cawn; I am of Opinion, that the Request now presented to this Board by his Highness, consistently with those Orders, cannot be complied with here; but that it will be proper to submit the same to the Determination of the Court of Directors, together with such Remarks as may serve to apprise them of the Consequence, whether beneficial or otherwise, that may probably result from complying with his Highness's Request. And I am further inclined to this Mode, from a Belief that, although his Highness was under Age when placed under the Guardianship of Mahomed Reza Cawn, it was well known to the Court of Directors that, previous to the Date of their Letter approving Mahomed Reza Cawn's Appointment, or to its Arrival in India, his Highness either had or would shortly attain the Years of Maturity.

Fort William,

(Signed)

Edw<sup>d</sup>. Wheler.

28th February 1778.

Mr. Francis delivers in a Minute containing his Opinion, as follows :

Mr. Francis—I could have wished, that before I had been called upon to deliver my Opinion on the present Question, the Merits of it had been stated to us by the Governor General, and regularly debated at the Board. The Institution of a Council supposes a reciprocal Communication of Opinions, and that no Resolutions shall be formed without a previous Debate. Reserving, therefore, to myself the Right of altering or qualifying the Answer I now deliver in, according to the Lights and Information I may receive from the other Members of the Board, I must declare, that I think we have but one Course to pursue.

The Letter received from the Nabob Mobareck ul Dowla should be referred to the Court of Directors. I do not myself see any one Motive that should press this Government to take upon themselves the hazardous Resolution of complying with the Requisitions contained in it; especially at a Time when Measures of the greatest Importance to the Welfare of India already divide our Councils, and ought to engross our Attention. The Subject is delicate in its Nature, and I wish to speak of it with Caution and Reserve. The Board will consider maturely what Consequences the Compliance required of us may lead to; with what Demands upon the Company it may be followed; in what Manner it may affect the internal Government of these Provinces, and how far it may coincide with or embarrass Arrangements at this Moment probably under the Consideration of the Legislature for the permanent Settlement of Bengal.

With respect to the Removal of Mahomed Reza Cawn, I shall only observe at present, that the Court of Directors have approved of our Recommendation of him to the Nabob, to constitute him his Naib; that they are well-pleased that he has received that Appointment, and that they have authorized us to assure him of their Favour. I trust that no Member of this Board would recommend or approve of the Dismissal of a Man whom the Court of Directors themselves consider as qualified for the high Station he holds, in a more eminent Degree than any other Native with whom the Company has been connected, without their express Authority, or unless some Crime had been proved against him.

Mr. Wheler and I having delivered our Opinions on the Question brought before the Board by the Governor General, I must request that the Governor will be pleased to favour the Board with his Opinion upon it.

Governor General—I did not expect that my Opinion would be required until those of the other Members had been regularly taken in Succession; nor was this Day appointed for collecting the Opinions upon the Subject. Mr. Barwell's has not been received; he is absent; I shall therefore decline to give my Opinion at this Day's Consultation, unless the Majority of the Board now assembled shall require it.

Mr. Francis—On this Day Sevensnight the Governor General moved, that the Opinions of the Members of the Board might be taken on the Subject of the Nabob's Letter. The Motion states, that their Opinions may be taken at the next Meeting of the Council; and the Question was brought forward again this Day, I presume, with the Governor's Approbation, at least, it was not called for by any other Member of the Board; I believe therefore I am perfectly regular in Point of Form, in requesting his Opinion may follow those of the Members present: I therefore beg Leave to repeat my Request in the Form of a Motion; but am ready, if the Governor General approves of it, to put off the Consideration of this Question until this Day Fortnight.

The Governor General—I desire the Secretary to declare, whether he had any Directions from me to bring this Matter before the Board?—This is properly the Consultation following that in which the Question was first brought before the Board; as the Meetings on Thursdays, though held in this Chamber, belong only to the Department of Inspection, and are held by a Summons issued by the Secretary to that Department. It was probably my Intention to have brought on the Question for Decision this Morning, but I apprehend it cannot be done with Regularity, as one of the Members of the Board, whose Opinion I presume will be essentially necessary, is at this Time absent. It will rest with the Majority of the Board assembled, to let the Question take its due Course, or to force it to an immediate Decision, subject to a regular Confirmation or Repeal at the next Meeting. I cannot consent to the Compromise proposed by Mr. Francis; it is inconsistent with the Demand for an instant Decision.

The Secretary begs Leave to acquaint the Board, that he did not receive any Orders whatsoever

## A P P E N D I X, N<sup>o</sup> 6. (M)

for bringing on the Consideration of the Nabob's Letter this Morning, but that he introduced it as a Subject depending before the Board in the regular Course of Business.

Mr. Francis—In proposing to defer the Question to this Day Fortnight, I have explained myself to mean, that we should wait for the Receipt of the Company's Letter now on board one of the Ships at Madras, and which we may probably receive in that Time; since that is not approved by the Governor General, I adhere to my First Motion, being perfectly sure that I proceed not only with the strictest Observance of the Forms of the Board, but with the utmost Candour and Consideration.

The Governor General—From the Whole which has passed in this Debate, which hitherto has been confined to Mr. Francis and myself, it is very evident that Mr. Francis persists in his Motion on the Presumption of a superior Influence, occasionally over-ruling me at this Day's Meeting, otherwise it is impossible to conceive any Reason why he should insist on an instant Decision of the general Question proposed by me on last Monday, when he at the same Time proffers the Suspension of it for a Fortnight, and the Time in which I would propose to suspend it will necessarily form a Part of that Interval, and of Course come nearer to his own Proposition than an immediate Determination. I forbear to say more upon the Subject: It will rest with Mr. Wheler to determine whether the original Question shall be determined immediately, or wait until the Assembly of the Board is complete.

Mr. Francis—If the Board will not unanimously agree to wait for the Receipt of the Company's Instructions, now upon their Way probably to this Place, it is not in my Power to assign a Reason why the Board should not decide the Question now. The Motive imputed to me for urging such Decision at present, though in fact I have not done so, will, I believe, in the Mind of every impartial Judge, be full as applicable to the Desire intimated by the Governor, that Mr. Barwell's Presence should be waited for. Considerations of that Kind are irregular, and, as I think, not fit to be insisted on of either Side. I beg the Question may be put.

The Governor General—I believe I know Mr. Barwell's Sentiments upon the general Question, as I know Mr. Wheler's; but the Question now before the Board is of a different Nature, and is most undoubtedly an Advantage taken of the present Composition of the Board; it may, however, prove an instructive Experiment, and I shall not be very sorry that it is made. If Mr. Francis knows that the Company's Instructions, which he says are probably now on their Way to this Place, relate to the general Subject now under Consideration, I will readily agree to postpone it; but if he has no such Knowledge, and there is the strongest Reason to believe that they contain nothing which bears the most distant Allusion to it, I know not why I should be required to support the Credit of such a Suggestion.

Mr. Francis—I am not acquainted with the Contents of the Company's expected Letter; but I do believe, on the Authority of the Court of Directors themselves, expressed in their Letter to the late Sir John Clavering, that it contains some general Arrangements concerning the Affairs of this Country and the Government. They positively promised him to send out such Instructions by their next Dispatches.

The Governor General—I believe the Court of Directors will regret their ever having given such a Promise, when they know that it has been circulated to every Part of the Provinces, and even beyond the Dominions of our Ally the Nabob of Oude, for the Purpose of weakening the Influence of the present Administration, and defeating its Measures: It therefore becomes me, whilst I hold the Place I possess in this Government, to use every Means that may be requisite for obviating the Effects of so dangerous a Policy. This alone would be a sufficient Reason for me to refuse to protract the present or any other Question, until the Arrival of the Company's Orders, on the Supposition that they will contain the Confirmation of a Belief so industriously propagated.

The Question proposed by Mr. Francis being put,

Mr. Wheler—Of the Two Propositions made by Mr. Francis, I prefer the postponing the further Consideration of this Question for Fourteen Days; but as that is disapproved by the Governor General, I think it highly necessary that we should come to an immediate Decision, and I only regret that that Decision will probably not be final.

Governor General—I submit, and shall deliver my Opinion as nearly as I can in the Terms of the Question. It is my Opinion, that the Requisitions contained in the Letter from the Nabob Mobarck ul Dowla, entered in the Consultation of last Monday, be complied with.

Mr. Francis—I move, that it be resolved, in Conformity to the Opinions of a Majority of the Board, that the Nabob's Letter be referred to the Decision of the Honourable the Court of Directors; and that no Resolution be taken here upon the Subject of the Requisitions contained therein, without their special Orders and Instructions.

Mr. Wheler agrees.

Mr. Francis agrees.

Governor General—I object and protest both against this and the preceding Resolution.

Resolved, That the Nabob's Letters, recorded the 23d ultimo, be referred to the Decision of the Honourable the Court of Directors; and that no Resolution be taken here on the Subject of the Requisitions contained therein, without their special Orders and Instructions.

( N )

Extract of Fort William Secret Consultations, 5th March 1778.

Governor General—I move, that the Resolution passed in the last Consultation, to wit, “ That the Nabob’s Letter be referred to the Decision of the Honourable the Court of Directors, and that no Resolution be taken here on the Subject of the Requisitions contained therein, without their special Orders and Instructions,” be repealed, and that the Question proposed by me in Consultation 23d ultimo, namely, “ That the Opinions of the Members of the Board may be taken, whether the Requisitions contained in the Nabob’s Letter, recorded in that Day’s Proceedings, shall be complied with or denied,” may be reconsidered.

I must here observe, that the preceding Question was in a special Manner referred to the Consideration of every Member of the Board, and that Mr. Barwell’s Opinion upon it had not been received at the last Consultation, in which the preceding Resolution was passed. I desire my Minute, in which the original Question was proposed, may be entered in this Place.

Governor General—I move that the Opinions of the Members of the Board may be taken, whether the Requisitions contained in the above Letter shall be complied with or denied? It is late, nor would I wish the Board to form any decided Resolution upon a Subject of this Nature without the fullest Deliberation; I desire therefore that the Secretary may send the Letter and Question round to the different Members of the Board, that their Opinions may be taken at the next Meeting of the Council.”

Mr. Wheeler—As the Governor General has assigned no other Reason for bringing this Question again before the Board, except the Absence of one of the Members, which might have been urged and accepted as a Motive for deferring the Question to the Time proposed by Mr. Francis, I am against rescinding the former Resolution, and reconsidering the Question now.

Mr. Francis—It is not affirmed or suggested that the Resolution taken at the last Consultation was not regular in Point of Form, or valid in Point of Law; neither has it been affirmed that sufficient Time was not given to the Members of the Board, to form their Opinions upon the original Question, or that the Consideration of it was brought forward by either of those Gentlemen whose Votes constituted the Resolution. We had a Week to consider it. The Day was fixed by the Governor’s own Motion, and the Debate was introduced by the Secretary’s reading the Nabob’s Letter, with the Governor’s Consent and Approbation, and without any Motion from Mr. Wheeler or me. After Mr. Wheeler’s Opinion and mine were read, we proceeded to other Business, and waited above Two Hours in Expectation of Mr. Barwell’s Arrival. From these Facts I presume it follows that the Objection now made to the Resolution on the Score of Mr. Barwell’s Absence, is not in any Sense valid; and the Governor General suggests no other for repealing that Resolution: I am left therefore without any Arguments proposed to counterbalance those on which my Opinion was founded. But if Arguments are even now offered against the Propriety of the Resolution itself, I shall be ready to enter into the Consideration of them. When no Arguments whatsoever are offered to justify the rescinding of a solemn Act of Government, I should think myself not only highly criminal, but, as a Man acting blindly and without Reason, if I consented to repeal it.

Mr. Barwell—Could I regard the Resolution of the 2d Instant as a solemn regular Act of Government, I should decline including my Opinion at this late Period; but when a Question has been proposed to be decided upon, the Sentiments that may be delivered by every Member of the Council, and the Right of every Member to deliver his Opinion, is not only acknowledged by the unanimous Admission of the Mode in which the Question was proposed, but by such Admission each Member is bound to deliver his Opinion, and each to allow the Weight carried by a Majority of such Opinions. I have no Option, nor can I submit to be excluded from a Right which the unanimous Reception of the Question in the Form it appears the 23d February, gives me. No subsequent Resolution could deprive me of the Privilege of a Vote on the present Subject, nor no Resolution independent of that Vote, I apprehend, can be an Act of Government, while Two Members only, without the Concurrence of one or both of the other Members, under such Circumstances, are pleased to call their Votes an Act of Government. The Manner in which the Question was proposed, and left for Decision, I must again observe in this Place, precluded a Decision, if any Difference of Opinion prevailed among the other Members, without mine being also delivered. For these Reasons I approve the Governor General’s present Motion as regular and proper to restore to me those Rights on the present Subject which were given me on the first Admission of the Question by the Board, and cancelled by the Resolution of the 2d Instant.

Mr. Francis—I beg Leave to call upon Mr. Barwell for an Explanation of those Words in which, as I understand, he affirms or intimates, that a Resolution taken by the major Part of the Members present in Council on Monday last, is not an Act of Government. The Meeting of that Day was summoned by the Governor General; and the Law declares, “ That in all Cases whatsoever, the Governor General and Council shall be bound and concluded by the Opinion and Decision of the major Part of those present.”

Mr. Barwell—I really am at a Loss to express my Meaning in Terms clearer than those in which

## A P P E N D I X, N° 6. (N)

which it already appears. I pretend not to deny that a Majority of the Council General constitutes an Act of Government : I simply point out, that the Admission of a Question for my Opinion, allows not the Council an Option to cancel the Privilege such Admission conferred, nor leaves it in my Power to decline a Vote on the present Subject. If any further Explanation is necessary, I must refer to the Company what I have already said ; and flatter myself they will judge it both clear and explicit.

Mr. Francis—I submit it to the Judgment of our Superiors, whether the Words used by Mr. Barwell do or do not amount to a Denial of the Legality of the Resolution passed last Monday, from the Principles on which he now votes for repealing it? I apprehend it would follow, that any Member of this Board might, by absenting himself from Council in parallel Circumstances, prevent the Decision of any Question whatsoever.

Mr. Barwell—I apprehend Mr. Francis is wrong in construing my Denial of any Vote precluding my Opinion, under Circumstances such as I have already described, to amount to an Affirmation that the Votes of a Majority do not constitute an Act of Government : So far from it, that if it affirms any Thing, it is the contrary, that a Minority of any Question may not assume the Appearance of a Majority.

Resolved, That the Resolution, passed in the last Council, viz. “ That the Nabob's Letter, recorded 23d ultimo, be referred to the Decision of the Honourable the Court of Directors ; and “ that no Resolution be taken here on the Subject of the Requisitions contained therein, without “ their special Orders and Instructions,” be repealed.

Mr. Francis—I beg Leave in this Place to enter my Dissent, and protest against this Resolution for the following Reasons :

1st. Because it reverses a regular and formal Resolution of a former Board, without any one Argument being urged against the Propriety of that Resolution.

2d. Because it deprives the Court of Directors of their Jurisdiction over a Question of the utmost Importance to their Affairs, and to the good Order of this Government, without any one Reason why the Decision of that Question should be pressed at this Time, and not referred to their Judgment.

Mr. Wheeler—I likewise beg Leave to enter my Dissent, for the Reasons already assigned by Mr. Francis.

The Second Motion contained in the Governor General's Motion being put,

Agreed, That the Question proposed by the Governor General 23d ultimo, viz. That the Opinions of the Members of the Board may be taken, whether the Requisitions contained in the Nabob's Letter, recorded on that Day, shall be complied with or denied ? may be reconsidered.

Mr. Wheeler and Mr. Francis having given their Opinions on the original Question in the last Consultation,

Mr. Barwell proceeds to deliver his Sentiments as follow :

Mr. Barwell—I am of Opinion, that as the Nabob is *pleased to demand and assert the positive Rights of his Office as Nizam of the Provinces*, and as he has been invariably acknowledged such by the Company and this Government, I do not see upon what Ground we can deny his Request. A Reference at this Time for the Orders of the Company would be an Evasion reflecting on their Honour, and unbecoming the Justice of the Government.

Governor General—The Nabob's Demands are grounded on positive Rights, which will not admit of a Discussion.

He has an incontestable Right to the Management of his own Household.

He has an incontestable Right to the Nizamut ; it is his by Inheritance : The Dependents of the Nizamut Adawlut, and of the Fouzdarry, have been repeatedly declared by the Company, and by this Government, to appertain to the Nizamut.

For these Reasons I am of Opinion, that the Requisitions contained in the Nabob's Letter, entered in Consultation 23d ultimo, ought to be complied with.

Mr. Francis—Since it has been resolved that the Consideration of the original Question should be resumed, I desire that the Secretary will read to the Board the repeated Letters already addressed to the Governor General by the Nabob on this Subject previous to the last, as they will probably throw Lights upon it which are not before us at present.

Governor General—I must beg Mr. Francis's Pardon for objecting to the present Motion, as it does not arise out of any new Matter produced at this Meeting ; and as these Letters, if they are supposed to contain any additional Lights, ought to have been considered by him before he gave his Opinion, I have no Objection to their being produced. The Letter Book, containing the Persian Correspondence, ought always to be before the Board ; and this is the only Day in which I recollect that they were not lying upon the Table. My Objection goes only to the Loss of Time which will be consumed in tracing the Nabob's Letters which may have been written on the Subject, and in reading them to the Board. The Letter Books are now produced : I desire that the Assistant Secretary will examine them, and shew Mr. Francis such Letters as he finds contained in them from the Nabob. This I apprehend will answer all the Purposes for which he can require them, and the Time of the Board will be spared.

Mr. Francis—I understood the original Question was resumed *de novo*. In delivering my former Opinion, I referred to myself a Right to alter it, according to the Arguments which might be stated in the Course of the Debate. The Letters in question, if they are entered on the Persian

Correspondence,



Correspondence, might have been read while we have been talking upon the Subject. I generally have examined the Persian Correspondence, but do not recollect to have seen any Letter from the Nabob, stating, as he says, very fully the Trouble and Uneasiness he suffers, from the Nabob Mahomed Reza Cawn's being invested with the Offices he now holds. From what I have heard of his Conduct, and of those Persons who are most in his Confidence, and have the greatest Influence with him, I can easily believe that Mahomed Reza Cawn's Authority is a Restraint over him. When that Restraint is removed, I do not doubt that he will immediately become what he was before, "an easy Prey to his menial Servants, whose utter Want of Ability, Integrity, and Attention to render him in any Degree respectable, even in the Eyes of the Natives, are well known to the Court of Directors." When the Rights of the Nabob to the Management of his Household, and to the Exercise of the great Offices dependent on the Nizamut, are so peremptorily declared, I should have conceived that his Ability to judge and act for himself, and his Capacity to execute Offices of such essential Importance to the Welfare of the Country, would also have been considered by a prudent Government. *I know with Certainty, that he is in his own Person utterly incapable of executing any of these Offices*; nor does it follow, from any Acknowledgment of his Rights, that it should not be the Duty of this Government to recommend to him wise and able Men, and such as the Company themselves are known to confide in, to support and carry on that Part of the Public Business which is still left, or supposed to be left, with the Nizam. The Company will judge of the real Motives and Object of the Requisitions brought before us in his Name, and how far such an Address from him will justify the Removal of a Minister, whose Appointment has been expressly, and in the highest Terms, approved by them on the 24th December 1776. The Secretary has yet pointed out to me but One Letter from the Nabob; which appears to have been received on the 17th November. In that Letter he says, "I am hopeful you will not keep me longer in this painful Suspence, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the Administration of the Affairs of the Nizamut, which is in fact her own Family, without the Interference of any other Person whatsoever: By this you will give me compleat Satisfaction." The Way then to give this young Prince complete Satisfaction, if we can suppose such Letters are really dictated by him, is to restore Munny Begum to the Administration of the Affairs of the Nizamut, without the Interference of any other Person whatsoever. By this Request it appears how little he thought himself qualified Three Months ago to take upon himself the Offices which he now desires to be invested with. I do not doubt that the Object of the present Measure is to restore Munny Begum in fact, if not in form, to the Power of which she was divested by a former Act of this Government. The Merits of this Lady are well known to the Company; but it may be proper to repeat in this Place what the Court of Directors have with great Reason thought fit to say of her: "Notwithstanding such vast Sums have been carried to the Nabob's Account, over and above his Stipend, in so short a Space of Time, we observe, that in May 1775 there was not a Rupee in his Treasury, though there were Demands upon him to a large Amount. This Circumstance alone, were there no other Improprieties in the Conduct of Munny Begum, would justify her Removal from the Office of Guardian to the Nabob, because it is evident, that under her immediate Superintendence great Part of his Allowance must have been embezzled, or very grossly misapplied."

Resolved, That the Requisitions contained in the Letter from the Nabob Mobareck ul Dowla, entered in Consultation 23d February, be complied with.

Mr. Francis—I dissent from and protest against this Resolution, because, in Addition to all the other Reasons expressed by me, it is a direct and positive Disobedience of the Orders of the Court of Directors, expressed in their high Approbation of the Appointment of Mahomed Reza Cawn to his present Employment; and because this important Resolution is taken without any one Reason being assigned in Support of the Necessity or Expediency of it.

Mr. Wheler—I accede to every Objection pointed out by Mr. Francis, and likewise join with him in his Dissent and Protest. Further, as the Nabob has thought proper at this Period to demand his positive Rights, and as those Rights may probably prove much more extensive than appears from the Question now before the Board; I am confirmed in my former Opinion, that his Highness's Request ought to be referred to the deliberate Decision of the Court of Directors, and not at present receive the Sanction and hasty Determination of this Board.

Governor General—I now move, that a Letter be addressed to the Nabob Mobareck ul Dowla, informing him that the Board have agreed to comply with the Requisitions contained in his Letter; but that he be requested to permit the present Judges and Officers of the Nizamut Adawlut, and of the Fousdarry, to continue in Office until he shall have formed a new Arrangement of those Officers, and shall have advised the Board of the same through the regular Channel of the Governor General. I move also, that the Substance of the preceding Resolution be communicated to Mahomed Reza Cawn.

Mr. Wheler—I object to the Letter, for the same Reasons that I have objected to the general Question.

Mr. Francis—I agree with Mr. Wheler.

Mr. Barwell—I agree to both the above Motions.

Resolved, That a Letter be addressed to the Nabob Mobareck ul Dowla, informing him, that the Board have complied with the Requisitions contained in his Letter, and that he be requested to permit the present Judges and Officers of the Nizamut Adawlut, and of the Phouldarry, to continue in their present Appointments until he shall have formed a new Arrangement of those Officers,



## A P P E N D I X, N° 6. (O) (P)

ficers, and shall have advised the Board of the same, through the regular Channel of the Governor General.

Resolved, also, That the Substance of the preceding Resolution be communicated to Mahomed Reza Cawn.

Warren Hastings,  
Rich<sup>d</sup> Barwell,  
P. Francis,  
Edw<sup>d</sup> Wheler.

### ( O )

Extract of Secret Letter from Bengal, dated 20th March 1778.

Par. 15. On the Receipt of a Letter from the Nabob Mobareck ul Dowla, addressed to the Governor General, in which he remonstrates against the sole Management and Administration of the Affairs of the Nizamut, the Foudarry, and the domestic Concerns of his own Household, being continued in the Person of Mahomed Reza Cawn, as Naib Soubah, after he was of Age to conduct them himself; asserting also his Right to execute these Branches of his own Authority, since he had attained the Age of Maturity both by the Mahomedan and Christian Laws; and desiring that Mahomed Reza Cawn might be removed from the Trust with which he was invested; a Proposition was made for the Consideration of the Board, and delivered to each of the Members, signifying, that their separate Opinions might be delivered on the next Council Day.

2d March.

16. When we assembled again, the Letter from the Nabob was read, with the Proposition upon it; and it was determined, by a Resolution of a Majority of the Members then present, to refer the Application to your Decision.

5 March.

At the next Meeting of the Board, a Motion was made for reconsidering the Subject of our former Debates, as one of the Members to whom the Proposition had been delivered was absent from the preceding Council, and had not given his Sentiments upon it. In consequence of his Opinion, the Resolution of the Day before was rescinded; and as we regarded the Nabob's Claim in the Light of a positive and incontestable Right, which we could not in Justice deny him the Enjoyment of, we resolved to comply with his Demand.

### ( P )

Extract of the Proceedings of the Governor General and Council, in their Secret Department, the 4th May 1778.

Governor General—I move, That the last Letter, received from the Nabob Mobareck ul Dowla, may be entered in this Place, and that the Board do agree to comply with the Requisitions contained therein; but as it is too late to consider this Question To-day, I desire that it may remain till next Meeting of the Board in this Department; and that in the mean Time the Nabob's Letter be sent to the Members of the Board.

From the Nabob Mobareck ul Dowla.

The Nabob Mahomed Reza Cawn, having been formerly appointed to the Office of Naib Nizam, transacted all the Business of the Nizamut, &c. by his own Authority, in such Manner as he pleased, without consulting or advising with me; and although you have lately given the Administration of the Affairs of the Nizamut Adawlut and Foudarry to me, yet he has not to this Time relinquished the Business, but still continues to act in the Nizamut, &c. as formerly. This is discreditable to me, and of the greatest Disadvantage: I therefore wish to remove the said Nabob from this Business, and to transact the Affairs of the Nizamut, &c. myself; and have made Choice of Sudder ul Hoc Khân, who has been long attached to me, and is a Man of great Integrity and Worth, to fill the Station of the Naib of my Adawlut and Foudarry, and of Rajah Gourdas, who is a Man of Abilities, and likewise an ancient and zealous Servant, for the Office of the Dewanny of the Nizamut. As I know you to be heartily attached to my Interest, I communicate my Sentiments and Wishes to you, and hope, if you approve them, you will be kindly pleased to dispatch the aforesaid Khân and Rajah to me immediately, that they may receive Khelauts, and be invested with the Offices aforesaid; and I will, with their Advice, make an Adjustment of the Affairs of the Nizamut Foudarry and Adawlut, and transmit it to you for your Information. The Nabob Mahomed Reza Cawn received a Salary of 20,000 Rup' per Month, or 2,40,000 R' per Annum; of this Sum, in Consideration of the great Expence of the Munny Begum, who has

Numbers

## A P P E N D I X, N<sup>o</sup> 6. (P) (Q)

Numbers of the Family and Dependants of the deceased Nabob my Father to support, and is under very heavy Charges, I have appointed her a Monthly Stipend of 6,000 Rup<sup>s</sup>, or 72,000 per Annum; and as my honoured Mother the Baboo Begum is likewise straitened in the same Manner in her Allowances, I have fixed for her the Sum of 3,000 Rupees per Month, or 36,000 per Annum: The Salary of Sudder ul Hoc Khân I have likewise settled at 6,500 Rupees per Month, or 78,000 per Annum; and that of Rajah Gourda's at 6,000 per Month, or 72,000 per Annum. All these Sums together amount to 2,58,000 Rupees, by which my Income would undergo a Diminution of 18,000 Rupees per Annum; I am therefore hopeful that you will be kindly pleased to grant 1,500 Rupees per Month, which is 18,000 per Annum, on Account of the Salary of Sudder ul Hoc Khân, who formerly held the Branch of the Office of Naib Nizam, exclusive of the Sum of 2,40,000 Rupees, that there may be no Failure in my Income.

( Q )

Extract of the Proceedings of the Governor General and Council, in their Secret Department, the  
11th May 1778.

Considered the Governor General's Motion, made at the last Meeting.  
Read the Nabob Mobareck ul Dowla's Letter, entered on that Consultation.  
Mr. Wheler delivers in his Opinion on this Subject, as follows:

Mr. Wheler—Having already given my Opinion on the Nabob Mobareck ul Dowla's Request to be declared of Age, and on the several Requisitions made by him in his Letter, received 12th February, and recorded in Consultation 23d, and declared for many Reasons, I think, a Question of so much Importance ought to be referred to the Court of Directors for their Decision; it becomes, in a great Measure, unnecessary for me to enter into any further Discussion of the present Question, at least so far as regards the Nabob's Rights as Nizam. But I must confess my Surprise to see a Letter from him produced at this Board, in which he assumes a Right to dispose of the Company's Money to his own Family, and appoints People to Offices whose Conduct may affect the Welfare of all the Inhabitants of these Provinces, and whose Salary is to be paid by the Company; and this without the least Interference on our Part, or advising with this Board, in whom the governing, ordering, and managing the Territorial Revenue, (and consequently the Care and Protection of the Inhabitants of these Provinces) is vested by Law; whether such Persons are fit for the high Trust to which he has appointed them; and whether their Appointment meet with our Approbation.

The 2,40,000 Rupees allowed to Mahomed Reza Khân, and which the Nabob has thus disposed of, is Part of Three Lacks of Rupees per Annum, ordered by the Company for the Support of a political Minister of the Circar; whom they direct shall be recommended by us to the Nabob: And this having already been done in the Person of Mahomed Reza Khân, his Appointment confirmed by the Nabob, and since reported to and approved by the Company, I see no reasonable Ground at present for removing him to substitute other Persons.

Munny Begum and Baboo Begum have already ample Allowances from the Nabob's Stipend, as Part of his Family; and I see no Cause, either from their Circumstances or Situation, that requires our disposing of the Company's Property to them. On the above Grounds, I dissent to the Motion made by the Governor General; viz. "That the Board do agree to comply with the Requisitions contained in the Nabob Mobareck ul Dowla's Letters, now before the Board."

Mr. Francis also delivers in his Opinion as follows:

7th May 1778.

Mr. Francis—By the Governor General's Letters to the Nabob and to Mahomed Reza Khân of the 7th of March, it appears that the latter was dismissed from his several Offices because *the Nabob was arrived at Years of Maturity*; in Consideration of which, the Board resolved to place the Controul of his Household, and of the Courts dependent on the Nizamut and Fouzdarry, *in his own Hands*. He now desires that another Naib may be appointed to execute these Offices; and, so far is he from thinking himself capable of conducting the Business of the Nizamut, that he even desires the Assistance of Raja Gourda's to manage his Household. On this Proposal I shall only observe, that if Naibs are necessary, the Reason for removing Mahomed Reza Khân is groundless, and used only as a Pretence for carrying that Point.

The Nabob is also pleased to recommend, that out of Mahomed Reza Khân's Salary, 72,000 Rupees a Year shall be given to Munny Begum, on account of her great Expences; and 36,000 to his Mother, who is said to be straitened in her Allowances. These Ladies are liberally provided for already: But the Nabob may increase their Allowances if he thinks proper; he has no Right to increase his Bounty at the Company's Expence.

Not content with distributing the whole of Mahomed Reza Khân's Salary among these Persons, he desires that the Company will add 18,000 Rupees more to it, in order *that there may be no Failure in his own Income*. Whatever may be the Fate of the other Arrangements proposed in this Letter, I hope

## A P P E N D I X, N° 6. {Q}

hope the Board will not consent to purchase the Removal of Mahomed Reza Khan with an additional Expence to the Company; as Trustees to the Company we have no discretionary Power to give away their Property.

The proposed Allotment of the Salary itself, without any Addition to it, is liable to a very weighty Objection. By the Company's General Letter of the 28th August 1771, the Annual Sum of Three Lacks, of which the above Salary makes a Part, was expressly appropriated to the Support of a Minister, who should be appointed to transact the Political Affairs at the Sircar. It is the Salary which the Company intended for the Minister of the Country Government: It is the Company's Property, and the Nabob has nothing to do with it. When they hear it is no longer applied to the Use for which it was granted, they will naturally conclude that it has been made a Saving in their Treasury. They will never think it possible, until Advice of the Resolution of this Day shall reach them, that the Salary which they granted and appropriated to the Support of a Minister of the Government, should be taken from a Man whose Appointment to that Station they had expressly approved of, and divided between Two old Women, an old Man whom they never heard of, and the Son of Nund-comar.

I hope these Considerations will have Weight with the Board. If not, I have done my Duty, and am satisfied the Company will think so. (Signed) Philip Francis.

Mr. Barwell—I assent to the Governor-General's Motion.

Resolved, That the Nabob's Requisitions, which are as follow, be complied with:

That Sudder-ul-huck-Cawn, and Rajah Gourdahs be directed to repair to Moorshedabad, to receive Charge of the Offices intended for them by the Nabob Mobareck ul Dowla, and to be invested with Khelauts on the Occasion of their Appointment.

That Sudder-ul-huck-Cawn be allowed 6,500 per Menssem, or 78,000 per Annum, out of the Salary of 2,40,000 per Annum, lately annexed to the Station of Naib Soubah. That Rajah Gourdahs be allowed 6,000 Rupees per Menssem, or 72,000 Rupees per Annum, from the same Fund: That an Allowance of 6,000 Rupees per Menssem, or 72,000 per Annum, be made to Munny Begum from the same Fund, for the Support of her Expences: That an Allowance of 3,000 Rupees per Menssem, or 36,000 Rupees per Annum, be also made to the Nabob's Mother, the Baboo Begum, from the same Fund:—But as this Fund will be insufficient to defray all the above Charges,

Resolved, That 1,500 Rupees per Menssem, or 18,000 Rupees per Annum, be added thereto.

Ordered, That these Resolutions be notified to the Chief and Council at Moorshedabad, and to the Resident at the Durbar, and that the Governor General be requested to reply accordingly to the Nabob's Letter.

The following Letters are accordingly written to the Resident at the Durbar, and to the Chief and Council at Moorshedabad:

To William Byam Martin, Esquire.

Sir,

WE enclose for your Information Copy of a Letter which we have received from the Nabob Mobareck ul Dowla, of which we thought proper, in Consultation the 5th March, last to comply with.

The Nabob having proposed to us sundry Regulations, consequent to the Removal of Mahomed Reza Cawn from the Office of Naib Soubah, we also enclose a Copy of this Letter, and of our Resolutions upon it of this Day: In Conformity to which we direct that you apply for the Annual Sum of 2,58,000 Rupees from the Chief and Council at Moorshedabad, in lieu of the Salary lately paid to Mahomed Reza Cawn; and issue the same in the Proportions allotted to the different Persons mentioned by the Nabob.

Fort William,  
11th May 1778.

We are, &c. &c.

To Moorshedabad.

Gentlemen,

WE enclose for your Information Copy of a Letter addressed to the Governor General by the Nabob Mobareck ul Dowla, which we thought proper in Consultation the 5th March last, to comply with.

The Nabob having proposed to us sundry Arrangements consequent to the Removal of Mahomed Reza Cawn from the Station of Naib Soubah, we enclose a Copy of his Letter on this Subject, and our Resolutions upon it.

We direct, that in Conformity to them you issue to the Resident at the Durbar the Annual Sum of 2,58,000 R<sup>s</sup>, in lieu of the Salary lately annexed to the Office of Mahomed Reza Cawn, which is to cease from the Receipt hereof, when the other is to commence.

Fort William,  
11th May 1778.

We are, &c. &c.

# A P P E N D I X, N° 6. (R) (S) (T)

## ( R )

Extract of Letter from the Governor General and Council, in their Secret Department, to the Court of Directors; dated 25th May 1778.

Par. 12. The Nabob Mobareck ul Dowla has proposed an Arrangement for conducting the Business of the Nizamut and Foudarry, to which we have given our Concurrence. We beg Leave to refer you to the Consultations for the Particulars of his Requisitions, and our Opinions upon them; remarking only in this Place, that they are in Substance as follow: 4th May.  
11th May.

Sudder ul Huck Cawn is appointed Naib of the Adawlut and Fouzdarry Departments, with a Salary of Rupees Seventy-eight thousand per Annum: Raja Gourdas is stationed in the Office of Naib of the Nizamut, with a Salary of Rupees Seventy-two thousand per Annum: The Allowances of Munny Begum, for the Support of the Family of the late Nabob Jaffier Ally Cawn, are increased by the Addition of Seventy-two thousand Rupees per Annum; and those of Baboo Begum by the Sum of Thirty-six thousand Rupees per Annum.

13. As these Disbursements exceed the Amount of the Salary lately allowed to Mahomed Reza Cawn, by the Sum of Eighteen thousand Rupees a Year, we have ordered that Difference to be granted for the Purposes to which the Nabob has been pleased to propose the Application of it.

## ( S )

From the Nabob Mobareck ul Dowla: Received 25th August.

The Excellency of that Policy by which her Highness the Begum (may her Shadow be far extended!) formerly, during the Time of her Administration, transacted the Affairs of the Nizamut in the very best and most advantageous Manner, was, by Means of the Delusions of Enemies, disguised under the Appearance of Friends, hidden from me. Having lately seriously reflected on my own Affairs, I am convinced that it was the Effect of maternal Affection, was highly proper and for my Interest; and that except the said Begum is again invested with the Administration, the Regulation and Prosperity of this Family, which is in Fact her own, cannot be effected: For this Cause, from the Time of her Suspension till now, I have passed my Time, and do so still, in great Trouble and Uneasiness. As all Affairs, and particularly the Happiness and Prosperity of this Family, depend on your Pleasure, I now trouble you, in Hopes that you likewise concurring in this Point, will be so kind as to write in fit and proper Terms to her Highness the Begum, that she will always, as formerly, employ her Authority in the Administration of the Nizamut and the Affairs of this Family: This will be productive of the greatest Benefit, and will confer the highest Obligation on me.

## ( T )

From the Nabob Mobareck ul Dowla: Received 30th August 1777.

Knowing it for my Interest and Advantage that the Administration of the Affairs of the Nizamut should be restored to her Highness the Munny Begum, I have already troubled you with my Request, that regarding my Situation with an Eye of Favour, you will approve of this Measure.

I am credibly informed that some one of my Enemies, from selfish Views, has, for the Purpose of oversetting this Measure, written you that the said Begum procured from me, by Artifice, the Letter I wrote you on this Subject: This causes me the greatest Astonishment. Please to consider, that Artifice and Delusion are confined to Cheats and Impostors, and can never proceed from a Person of such exalted Rank, who is the Head and Patron of all the Family of the deceased Nabob my Father; and that to be deluded, being a Proof of Weakness and Folly, can have no Relation to me, except the Inventor of this Report considers me as void of Understanding, and has represented me to the Gentlemen as a Blockhead and an Idiot. God knows how harshly such Expressions appear to me; but as the Truth or Falshood has not yet been fully ascertained, I have therefore suspended my Demand of Satisfaction: Should it be true, be so kind as to inform me of it, that the Person may be made to answer for it. At all Events it is the Duty of Friendship and Wisdom to disregard the Representations of my slanderous Enemies, and to write very fully and expressly to the Begum, that she always, as formerly, conduct, by her own Authority, the Affairs of the Nizamut, which is in Fact her Family.

A P P E N D I X, N° 6. (V) (U) (W)

( V )

From the Nabob Mobareck ul Dowla : Received 3d September.

Knowing it both for my own Interest and that of all the Connections of the deceased Nabob, as well as for the Prosperity of my Family, that the Munny Begum should be placed at the Head of the Nizamut, I have already repeatedly addressed myself to you for your Approbation of this Measure : In what Light, except Unkindness, can I consider your total Inattention thereto ?

Do me the Justice to reflect, that this Measure is calculated entirely for the Promotion of my Interest ; and no possible Disadvantage can accrue therefrom to the Company, to induce you to oppose or disapprove of it. With what Justice therefore can you refuse your Compliance with this Measure, and leave the Administration of the Affairs of the Nizamut in the Hands of a Stranger, with whom I am much discontented, instead of placing it in the Hands of the Begum, who is the Head and Patroness of my Family ? I hope that, turning your Attention to my Happiness, you will be so kind as to give your speedy Consent to this Measure, and write to the Begum that she take on herself the sole Administration of all the Affairs of the Nizamut, which are in Fact her own, as long as I continue on the Musnud.

( U )

From the Nabob Mobareck ul Dowla : Received 17th November 1777.

I have already repeatedly written you, that I can on no Account be satisfied that the Administration of the Nizamut Affairs should be vested in Mozuffur Jung, whilst her Highness the Munny Begum, who is the Head and Patroness of the Family of my deceased Father, is living ; yet you have nevertheless neglected to pay Attention to my Situation, and have left my Family under the Management of the aforesaid Person ; which is not only dishonourable and disgraceful to me, but highly detrimental to my Affairs.

For Instance, Mozuffur Jung has lately told every Body, in a Strain of Irony, “ Let him (meaning me) first secure the Point concerning which he has written Letters to the Governor, and then take on himself the Administration of the Affairs of the Nizamut ; but till this happens the Power is in my Hands.”

Reflect, my Patron, how great Uneasiness such Speeches must occasion to me. Before this, he has also frequently made use of Expressions in the highest Degree insufferable, which I have informed you of ; but I am at a Loss to conceive on what Principles of Justice you consent to my Dishonour and Detriment, in an Affair wherein your Compliance with my Desire could not be in the least Degree hurtful to the Company, and would be of Advantage to me, and prefer the Satisfaction of Mozuffur Jung.

I am hopeful you will not keep me longer in this painful Suspence, but will be kindly pleased to write immediately to the Munny Begum, that she take on herself the Administration of the Affairs of the Nizamut, which is in Fact her own Family, without the Interference of any other Person whatever : By this you will give me complete Satisfaction.

( W )

To the Nabob Mobareck ul Dowla : Written 7th March 1778.

I have received your Letter, containing your Desire to take on yourself the Management of your own Affairs ; which having been laid before the Board for their Consideration, it has been agreed, your Excellency being now arrived at Years of Maturity, that in future the Controul of your own Household, of the Courts dependent on the Nizamut and Foujedarry, be placed in your Hands. Intimation of this Resolution has been transmitted to Mahomed Reza Khân, who will accordingly resign his Authority to you. But as an immediate Change might be attended with dangerous Consequences to the Peace and good Order of the Country, I request that you will permit all the present Judges and Officers of the Nizamut and Foujedarry Adawluts, and of the Foujedarry, to continue in Office until you shall have formed a Plan for a new Arrangement of those Offices ; which, when finished, I request your Excellency will send to me for my Information, and allow me to offer my Sentiments upon it before it be carried into Execution.

( X ) To

A P P E N D I X, N<sup>o</sup> 6. (X) (Y) (Z) (A a)

( X )

To Mahomed Reza Khân : Written 7th March 1778.

It having been resolved by the Board, in consequence of repeated Applications from the Nabob Mobareck ul Dowla, and Consideration of his being arrived at Years of Maturity, to place the Controul of his Household, and of the Courts dependent on the Niza nut, and of the Foujedarry, in his own Hands, you will be pleased to resign your Authority to him.

The Nabob will of course continue you and all the present Judges and Officers of the Nizamut and Foujedarry Adawluts, and of the Foujedarry, in your respective Offices, until a new Arrangement of those Offices is formed; and you will continue to attend to the Duties of your Station as formerly.

( Y )

To Munny Begum : Written 7th March 1778.

Informing her of the Resolution of the Board contained in the above Letters;

( Z )

To the Nabob Mobareck ul Dowla : Written 17th March.

As the Management and Controul of the Business of the Nizamut and Foujedarry is now vested in your Highness, Mr. Martin, who has resided on the Part of the Company at the Durbar, will attend your Highness in this Capacity, I request that your Highness will consider him my Representative, and confer with him, without Reserve, on such Circumstances as may occur; and that you will commit to him such Matters as your Highness may not have Occasion to write yourself, that he may impart them to me. This Gentleman possesses my Friendship, and I hope he will enjoy, as he deserves, yours.

( A a )

Extract of General Letter to Bengal ; dated 4th February 1779.

Par. 8. We by no Means approve your late Proceedings on the Application of the Nabob Mobareck ul Dowla, for the Removal of the Naib Soubadar. The Requisition of Mobareck ul Dowla was improper and unfriendly; because he must have known, that the late Appointment of Mahomed Reza Khan to the Office of Naib Soubadar, had been marked with the Company's special Approbation; and that the Court of Directors *had assured him of their Favour, so long as a firm Attachment to the Company's Interest, and a proper Discharge of the Duties of his Station, should render him worthy of their Protection.* We therefore repeat our Declaration, that to require the Dismission of a Prime Minister thus circumstanced, without producing the smallest Proof of his Infidelity to the Company, or venturing to charge him with one Instance of Mal-administration in the Discharge of his Public Duty, was improper, and inconsistent with the Friendship subsisting between the Nabob of Bengal and the Company.

9. Admitting the Nabob's Complaint, that Mahomed Rezah Khân is not connected with him by relative Ties, to be well founded, it by no Means follows, that he has been deficient in Duty or sincere Attachment to him, or that his Power is oppressive and dishonourable to the Nabob and his Family; nor can Assertions of this Nature, unattended by Proof, have any Weight with us.

10. In regard to the Nabob's Claim, to take Charge of his own Affairs merely because he is of Age, and thinks himself capable of conducting them; we find it declared by one of your Members, and not contradicted, that he knew with Certainty, that the Nabob is in his own Person utterly incapable of executing any of those Offices which were deemed of essential Importance to the Welfare of the Country; and we are sorry to find, that neither this Declaration, nor the Protefts of Two Members of the Council, seem to have been thought worthy of an Answer, or even of Consideration, by the Majority of the Board.



## A P P E N D I X, : N<sup>o</sup> 6. (A a)

11. The Nabob hopes, from your Favour and Regard to *Justice*, to be delivered from the Authority of Mahomed Reza Khân; he ventures to declare the Company solely indebted to the warm Support of his *Ancestors*, for their present Greatness and Advantages: He claims the Management and Administration of the Soubahdarrie as his Right; and says, it will be highly inequitable in the Company to refuse their Approbation to his Request.

12. We pass over these extraordinary Suggestions of the Nabob without Reply; only observing, that in Justice to him and ourselves, we must take the best Care in our Power of the Peace and internal good Government of the Country; and we are not disposed to hazard the Effects which might be occasioned, by committing the entire Management thereof to his Inexperience, without enjoining him to accept such Assistance, and to employ such Ministers about his Person, as may be deemed necessary on the Part of the East India Company.

13. The 23d February we find that the Nabob's Letter, and a Question thereon, were circulated to the different Members of the Board, for their Opinions, to be taken at the next Meeting of Council; which Meeting happened on the 2d of March; but one of the Members being indisposed, did not attend at the Board.

14. We have carefully noticed your Debates on the Subject. The Resolution of Council of *that Day*, that the Nabob's Letters should be referred to the Decision of the Court of Directors, and that no Resolution should be taken in Bengal on his Requisitions, without our special Orders and Instructions, appears to us very proper; we must therefore express our Disapprobation on finding the said Resolution rescinded, on the frivolous Pleas urged by the Majority of the Board, Three Days afterwards.

15. If the Absence of a Member of Council were sufficient to preclude the Discussion of any Subject, which might have been referred for Consideration by a former Board, or to invalidate Resolutions taken during such Absence, it would be in the Power of any Member effectually to defeat the Ends proposed by the Institution of a Council, and to put a total Stop to Public Business, whenever he thinks proper. We shall not waste Time in refuting Claims of Privilege advanced on this Occasion, because they appear to us unworthy of Consideration, and beneath all Argument.

16. The Nabob having intimated that he had repeatedly stated the Trouble and Uneasiness which he had suffered from the Naibship of the Nizamut being vested in Mahomed Reza Khan, we observe one of the Members of your Board desired the Nabob's repeated Letters on the Subject might be read; but this reasonable Request was overruled, on a Plea of saving the Board's Time; which we can by no Means admit as a sufficient Objection.

17. The Nabob's Letters of the 25th and 30th of August, of the 3d of September, and 17th of November, leave us no Doubt of the true Design of this extraordinary Business being to bring forward Munny Begum, and again to invest her with improper Power and Influence; notwithstanding our former Declaration, that so great a Part of the Nabob's Allowance had been embezzled or misapplied under her Superintendance.

18. Instead of your declaring, that the Nabob's Demands were grounded on positive Rights which will not admit of Discussion, that the Nizamut is his Inheritance, that the Dependents of the Nizamut Adawlut and Foujedarry appertain to that Inheritance; that, as he is pleased to demand and assert the positive Rights of his Office, as Nizam of the Provinces, there is no Ground for denying his Request; and that a Reference to the Company would be an Evation unbecoming the Honour of Government;—the Nabob might have been reminded, that a Naib Soubadar was appointed, and the Office continued without Interruption or Objection, during the Government of his Ancestors, who must have been supposed more capable of governing the Provinces than a Youth of 20 Years of Age.

19. You have requested this unexperienced young Man to permit all the present Judges and Officers of the Nizamut and Foujedarry Adawluts, or Courts of Criminal Justice, and also all the Foujedaries or Officers appointed to guard the Peace of the Country, to continue in Office until *he the Nabob* shall have formed a Plan for a new Arrangement of those Officers: And it is with equal Surprise and Concern, that we observe this Request introduced, and the Nabob's ostensible Rights so solemnly asserted at this Period, by our Governor General, because on a late Occasion, to serve a very different Purpose, he has not scrupled to declare it as *visible as the Light of the Sun*, that the Nabob is a mere Pageant, and without even the Shadow of Authority. No Circumstance has happened since that Declaration was made, to render the Nabob more independant, nor to give him any additional Degree of Power or Consequence: You must therefore have been well apprized that your late Concessions to Mobareck ul Dowla were unnecessary, and as such unwarrantable.

20. As we deem it for the Welfare of the Country, that the Office of Naib Soubadar be for the present continued, and that this high Office should be filled by a Person of Wisdom, Experience, and of approved Fidelity to the Company, and as we have no Reason to alter the Opinion given of Mahomed Reza Khan, in our Letter of the 24th of December 1776, we positively direct that you forthwith signify to the Nabob Mobareck ul Dowla our Pleasure, that Mahomed Reza Khan be immediately restored to the Office of Naib Soubadar; and we further direct, that Mahomed Reza Khan be again assured of the Continuance of our Favour, so long as a firm Attachment to the Interest of the Company, and a proper Discharge of the Duties of his Station, shall render him worthy of our Protection.

# A P P E N D I X, N° 6. (B a) (C a)

## ( B a )

Extract of General Letter to Bengal, dated 27th May 1779.

Par. 31. In the 20th Paragraph of our Letter of the 4th February 1779, we ordered, that Mahomed Reza Khan should be immediately restored to the Office of Naib Soubadar; and it is our Pleasure, that the Allowance enjoyed by Mahomed Reza Khan at the Time of his late Removal from his Office, be continued and paid to him from the Day of the Arrival of our said Order of the 4th of February 1779.

36. In the 17th Paragraph of our Letter of the 4th of February 1779, we signified our Apprehension, that the Removal of Mahomed Reza Khan was intended in order to bring forward Munny Begum; the Event has justified the Supposition; but having ordered Mahomed Reza Khan to be restored, and his Salary to commence on the Day of the Arrival of our Letter of the 4th February at Fort William, we now direct, and it is our positive Order, that the Salary of 78,000 Rupees per Annum granted by you to Sudder Ul Huck Khan, of 72,000 R<sup>s</sup> per Annum granted to Rajah Gourdals as Naib of the Nizamut, and the Increase or additional Amount of 72,000 R<sup>s</sup> per Annum granted to Munny Begum, also of 36,000 Rupees per Annum added to the Allowance of Baboo Begum, be entirely struck off and discontinued from the Day of the Arrival of our said Letter of the 4th February 1779; and that you do not, on any Account or Pretence whatever, make any additional Allowances or Payments to any of the above Persons, or to any Person or Persons to be employed in the Nabob's Household or about his Person, or to transact the Affairs of his Excellency, contrary to the Letter and Spirit of these our Instructions.

## ( C a )

Extract of the Proceedings of the Governor General and Council, in their Public Department, 22d November 1779.

Read again the General Letters from the Honourable the Court of Directors, received at the last Meeting.

Ordered, That the Paragraphs be distributed in the following Manner:

Par. 8 to 20. Respecting the Nabob Mobareck ul Dowla and Mahomed Reza Cawn.

Mr. Francis—I move, that the Company's Orders for the immediate Re-instatement of Mahomed Reza Cawn in the Office he held in January 1778, be carried into Execution; and that a Copy of the last Paragraph of the Company's Letter of the 4th February 1779, together with an exact Persian Translation thereof, be transmitted to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, with a Requisition on the Part of the Governor General and Council to the Nabob, to conform to the Injunctions of the Court of Directors expressed in that Paragraph. This Motion, of course, supposes that the Governor General shall be requested to signify the Resolution of the Board on this Subject, in the usual Manner, by Letter to the Nabob.

Mr. Wheler—I agree to the Motion.

Governor General—I must beg Leave to decline an immediate Answer to the Motion, which I will deliver at our next Meeting, which it has been agreed shall be held To-morrow Morning.

Mr. Francis—I must beg that a formal Resolution on the Motion may be taken now. It could not be unexpected, and the more so as I particularly requested Mr. Barwell to stay; I cannot therefore be suspected of Want of Candour in pressing for the Resolution now: I come determined to agitate it.

Governor General—Since Mr. Francis, taking an Advantage of the Absence of one of the Members, has insisted on an immediate Decision of the Question, I am compelled to give my Affirmative or Negative to it; I have declared that I am not so prepared to deliver my Opinion upon a Subject of so much Delicacy, and involving so many Consequences. I should have been glad to have been allowed some Time to consider the Nature and Tendency of the Order, and to have accommodated the Execution of it to all the Circumstances which ought to be taken into Consideration in the Determination upon it. The Time that I have required is but the short Interval between this Hour of Three in the Afternoon and the Hour of Ten To-morrow Morning; however, as the Privilege is now denied me, I shall in this Place, and at this Time, simply content myself with delivering my Negative to the Motion, in the Terms in which it is made.

Mr. Francis—I could have no Idea of availing myself of Mr. Barwell's Absence; every Gentleman at the Board, I believe, heard me solicit him to stay; much less could I have a View of surprising the Governor General on a Subject on which he might be unprepared. The Company's Letter was received on Saturday the 13th Instant, though it has happened that I myself did not see it till Friday last.

Resolved that the Company's Orders for the immediate Re-instatement of Mahomed Reza Cawn,

## A P P E N D I X, N<sup>o</sup>. 6. (Ca) (Da)

in the Offices he held in January 1778, be carried into Execution; and that a Copy of the last Paragraph of the Company's Letter of the 4th February 1779, together with an exact Persian Translation thereof, be transmitted to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, with a Requisition on the Part of the Governor General and Council to the Nabob, to conform to the Injunctions of the Court of Directors expressed in that Paragraph.

### ( D a )

Extract of the Proceedings of the Governor General and Council, in their Public Department, the  
23d November 1779.

The Governor General moves, That the 8th, &c. to 20th Paragraphs of the General Letter by the General Barker, dated 4th February 1779, with Mr. Francis's Motion, and the Resolution of the Board thereon, be again read.

Read the said Paragraphs, Motion, and Resolution.

The Governor General moves, That the Opinions of the Members of the Board be taken, whether the above Resolution shall be approved?

Mr. Wheeler—I should be glad to ask the Governor General, Whether he makes this Motion upon the Principles of confirming the Minutes of the former Council, or on Account of the Absence of Mr. Barwell at the Time this Question was debated.

Governor General—I have put the Question conformably to the Constitutional and actually existing Rule of this Government, that all Acts and Orders passed at any Meeting of the Board, shall be approved in the succeeding Council to give them their Sanction; and I avail myself of this Right on Account of the Advantage which was Yesterday taken of Mr. Barwell's Absence.

Mr. Wheeler—I am very sorry to be under the Necessity of observing, that although I have had the Honour of sitting at this Board near Two Years, it is, to the best of my Recollection, the very first Instance that the Order necessary to give a Sanction to our Proceedings, as described by the Governor General, has been complied with; and in the Sense I believe it is now meant, I see no Occasion for the present Question, and therefore am against it.

Governor General—It is not necessary that this Form should be observed in every Instance. It is always supposed, when the Members of the Board tacitly agree to the Omission of it, the formular Preface of every Consultation being sufficient to imply it.

Mr. Wheeler—The Minutes of every Board or Public Assembly that I have had the Honour to attend, are constantly read at a subsequent Meeting of such Board or Assembly, in order that each Member may be fully satisfied that what he has said, or entered upon the Records of the former Meeting, is faithfully represented and transcribed; but I know not a single Instance when the Minutes of any Board or Assembly have been read at a subsequent Meeting, with a View to overset the Resolution of a former Meeting: If that was admitted in numerous Assemblies, no Question could ever be finally decided. The Objection, in my Opinion of it, is so meant, holds equally strong, and I am convinced will be treated with equal Disgust by our Superiors, as they have already treated an Act not very dissimilar to this.

Mr. Francis—The Resolution taken Yesterday was legal and compleat: It wants no Confirmation, though it may be reversed. The official Form observed in the Proceedings of the former Government, and continued under ours, is merely a Form; and so little is it ever regarded, that the Orders of one Council are constantly executed, if the Time permits, before the Meeting of the next. Mr. Wheeler has assigned the true and only Reason for the Observance of such a Form. Whatever Use or Convenience there may be in continuing to observe it against a positive Provision of an Act of Parliament, made since the Form in question was first instituted, and which of course supercedes it, if in Reality it had ever had the Effect and Operation which the Governor General now attributes to it, the Law says, "That in all Cases whatsoever wherein any Difference of Opinion shall arise upon any Question proposed in any Consultation, the said Governor General and Council shall be bound and concluded by the Opinion and Decision of the major Part of those present." The Conclusion by which the Council is bound, is instant and absolute; there is no Reference to the Confirmation of a subsequent Meeting. I am sorry the Governor General should repeat an Objection already, as I think, completely answered: I am not to blame if Mr. Barwell, notwithstanding my urgent Request to the contrary, left the Board Yesterday at an early Hour: I should have been much better pleased that he had staid; because I should then have the Labour of One Debate only, instead of Two. On this Part of the Subject I need say nothing more, since the Court of Directors themselves have taken it up in a similar Instance, and given their Opinion decidedly upon it, in the 15th Paragraph of the Letter now before us. I am against the Question.

Mr. Barwell—Had the Resolution simply gone to the Execution of the Company's Order, from the Sentiments delivered by the Governor General at the last Meeting, the present Question would not have been agitated; his Objections to Mr. Francis's Motion strike me as confined to the Mode that Motion prescribes for carrying these Orders into Execution. Mr. Francis's Motion, in my Opinion, conveys such Sentiments as are not authorized by the Company's Letter. In the Body of the Motion

## A P P E N D I X, N° 6. (D a)

tion I said these Words; "With the Requisition of the Governor General and Council to the Nabob to conform to the Injunctions of the Court of Directors." I know of no Injunctions that the Company have laid on the Nabob; and I imagine the Use of any offensive Terms, or improper Management, on a Subject of so delicate a Nature, would be highly reprehensible; I therefore vote for rescinding the Resolution of the last Council, so far as regards the Mode of executing the Orders of the Company, but no farther; I agree to the Motion, that the Order be executed, but am for leaving the Manner of doing it to the Discretion of the Governor General. From nothing that the Governor General has urged in the Course of the Debate of Yesterday, do I perceive the least Disposition in him to decline the Instructions which the Company have been pleased to give, relative to the Naib Souba.

Governor General—With all the Respect and Submission which I owe and feel for the Authority of the Court of Directors, I must declare, that I shall not yield even to that Authority in any Instance in which it shall require my Concession of the Rights which I hold under an Act of Parliament. Those Rights are formal Obligations, with which I am not permitted to dispense; neither can I optionally relinquish my own Claim to a Practice which was followed by Mr. Francis himself, when he formed one of a Majority of the Council, and which received the Approbation of the Court of Directors themselves. I acknowledge the Obligation which I owe to Mr. Francis, for the Trouble he has taken in helping me to One Instance, in Consultation 14th September 1775, in which a Resolution passed at the preceding Consultation, which was contrary to the Sense and general Tenor of the Measures proposed by the ruling Members of the Board, was rescinded by a Motion introduced by the following Motion, formally made by myself; viz. "The Governor General moves, that the Subject be re-considered; and that the Opinion of the Board be taken, whether the Orders written to the Commanding Officer of the 2d Brigade, shall be confirmed or repealed."

If this Mode is illegal or irregular, it was equally so at that Time; but Mr. Francis then made no Objection to it; but in the Opinion delivered upon my Motion, simply said, he thought the Order should be repealed. I recollect that similar Motions were made, either by Mr. Francis or by the other Members of the Majority in concert with him, for reading and confirming the Proceedings held by them during the Absence of Mr. Barwell and myself, both in this and in the Revenue Department; I will not take up the Time of the Board in looking out for the Instances, but shall desire the Secretary to annex them to this Minute. The evident Intent of these Motions was to authenticate all the Acts which were considered by the Members of the Majority as the legal Acts of the Board, but disputed and disavowed by Mr. Barwell and myself, and by obtaining such a formal Approbation of them, to remove the Objections which had been made, or which might be, against their Validity. Respecting the Question now before the Board, I disapprove of the Resolution as not being warranted by the Orders of the Court of Directors, and I think it would be disingenuous and unjust in this Board, to exceed the positive Orders of the Company, in annulling a Concession made by them to the Nabob and acknowledged as his Due.

Instances quoted in the foregoing Minute.

Revenue Department Proceedings, 17th and 21st March, and 1st April, 1775.

Mr. Francis—The Governor General has very fully proved a Proposition, which has never been disputed, That a Resolution taken at one Board may be reversed at the next: I must have lost my Memory and my Senses if I had denied it. I do not make Profession of such extraordinary Candour as to furnish an Opponent with Arguments against myself. In pointing out to the Governor General the Consultation the 14th September 1775, I meant to give him an Instance in Point, which I thought established a Conclusion directly the Reverse of that which he has drawn from it. The Court of Directors will find, in the Proceedings of that Day, that I entered a Dissent and Protest against a Resolution taken at the preceding Council, but that I neither disputed its Validity, nor proposed to reverse, or even to re-consider it: The Proposition for that Purpose came from the Governor General himself, and was strictly regular and legal. It would have been in Point to prove, that in the Case in question I insisted that the Resolution of the preceding Day wanted the Confirmation of the next, and that on that Ground I had proposed to re-consider it: With respect to the present Question, the Instance proves nothing. In the other Examples quoted by the Governor General, and which I perfectly remember, the Fact was this: The Legality of the separate Meetings held by General Clavering, Colonel Monson, and myself, was itself expressly and formally denied; that Reason alone, I presume, induced General Clavering to propose to Colonel Monson and myself, to agree, that the Resolutions taken in such separate Meetings should be confirmed at the next full Meeting of the Board; whether such Confirmation was necessary or not, the Example does not support the Governor General's Argument. The Question now is, Whether Acts done at a Meeting of the Board, confessedly regular and legal, require any subsequent Confirmation? not, whether such Meeting itself was or was not legal? But setting aside this Sort of Argument, no Precedents prove any thing against a positive Right, especially when that Right itself is not in Issue: We may go on for any Length of Time, by Negligence or Argument, in following Forms which nobody regards. The Question is not fairly in Issue, until they are formally insisted upon and denied, and some important Use attempted to be made of them. If the Motion I made Yesterday did not correspond with the Governor General's Idea of the Sense of the Company's Orders, I should have held myself indebted

to him for any Amendment he might have thought fit to propose, and assuredly I should have given it the most respectful Attention. The profound Silence he observed made it impossible for one to judge whether his Objections went to the Whole of the Motion, to any Part of it, or merely to the Form proposed of carrying the Company's Orders into Execution.

Governor General—Whatever Doubts were entertained of the Legality of the Acts done by a Part of the Board after my Declaration of the Dissolution of the actual Meeting, these Doubts were not entertained by Mr. Francis, who declared the Acts to be legal; therefore, with respect to them, the subsequent Motion and Order, to read and approve these Proceedings, could not be construed as intended to give them that Legality which they wanted, though they might be covertly so intended, by the Application of an ancient constitutional Form to that Effect. But I will here close my Part of the Argument, since I perceive that we dispute only on Words. Mr. Francis admitting that a Resolution taken at one Board may be revoked at the next, I offer to his Option the Motion which I have already made, or the Motion which I now make, *That the former Resolution be reversed*; and here declare my Opinion for reversing the former Resolution: Mr. Barwell has already done it in Terms. I confess that in this Proposal I am irregular, but I had rather incur that Imputation than suffer the Time of the Board to be any longer wasted by a fruitless and a verbal Debate.

In this Place I shall beg Leave to contrast my own Conduct with Mr. Francis's; that since I have been a Member of this, or any other Government, I have never, in One single Instance, if I may trust to my own Memory and the fullest Conviction of what I assert, descended to a Practice which I should have held unworthy of my own Principles, of which I have had too frequent Occasion to complain in Mr. Francis, by taking the Advantage of an occasional and accidental Majority, to carry any Measure contrary to the Sense of the ruling Members: Even in the First Instance which I have quoted, introduced a Question for the Sake of giving Consistency to the Orders of the Board, although it was productive and intended of the Repeal of a Resolution of the Board, which had received my Concurrence at the former Meeting of it.

Mr. Francis—I object to both the Motions, though for different Reasons: I object to reversing the Resolution, because I deem it a most unwarrantable Exercise of a Power, the Existence of which I am obliged to admit; no specific Reason is yet assigned for it. To the latter Part of the Governor General's last Minute, I shall only say, that I hope I shall not always suffer in a Comparison between his Principles of Action and mine, if he has had too frequent Reason to complain of my taking Advantage of accidental Majorities. The Word "frequent" must refer to more Instances than Two. It will rest with him to produce more Instances, if there are any; I myself know of none in which he has lost any Question by Mr. Barwell's Absence, but that at present before us, and the former one of the 2d March 1778, on the same Subject.

The Resolution which the Governor General proposed to have re-considered on the 14th September 1775, interrupted a Series of Measures formed upon a different Principle. I think he did right in proposing to re-consider it. This is a single Act, which has no Connection with any thing else.

Resolved, That the Resolution of Yesterday, viz. "That the Company's Orders for the immediate Re-instatement of Mahomed Reza Cawn in the Offices he held in January 1778, be carried into Execution; and that a Copy of the last Paragraph of the Company's Letter of the 4th February 1779, together with an exact Persian Translation thereof, be transmitted to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, with a Requisition, on the Part of the Governor General and Council to the Nabob, to conform to the Injunctions of the Court of Directors, expressed in that Paragraph," be reversed.

The Governor General moves, That the Pleasure of the Court of Directors, signified in the 20th Paragraph of the General Letter of the 4th February last, and the Assurance therein directed to be given to Mahomed Reza Cawn, be communicated to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, in the Words of the General Letter.

Mr. Francis—I have no Objection to the Motion, as far as it goes; but if the Communication of the Company's Intentions be not accompanied by a formal Requisition from this Government, it is not impossible that they may be defeated. I therefore move the following Addition to the Motion, That the Governor General be requested to signify to the Nabob Mobareck ul Dowla, in the usual Form, the Requisition of the Governor General and Council for his immediate Compliance with the Pleasure of the Court of Directors.

Mr. Wheler—I agree to the Motion, and likewise to the Amendment.

Mr. Barwell—I agree to the Motion. I cannot be a Judge of the Terms that Mr. Francis would have used in the Letter proposed to be written by the Governor General to the Nabob, from the general Terms in which his Amendment is expressed. The Governor General can have no Objection to submit the Terms in which he makes the Communication of the Company's Sentiments to the Nabob and Mahomed Reza Cawn to the Board, before the Letters shall be sent. If those are at all defective, such Additions may be proposed to them as in the Judgments of any of the Members may appear necessary. I think Mr. Francis is premature in following the Governor General's Motion with another: It seems to speak some Pre-knowledge of the Difficulties to which our Government is subjected, and that no small Degree of Coercion must necessarily support the Recommendation of the Company. I give my Vote simply for the Governor General's Motion; reserving my Opinion for any Amendments that may be offered to the Letters proposed to be written, when such



# A P P E N D I X, N° 6. (D a) (E a)

such are offered in precise Terms, as essential to answer the Intentions of the Company, and consistent with those Intentions.

Governor General—I agree to the Motion : I object to the Amendment. My Reasons have been assigned in the preceding Minutes ; I will not therefore repeat them.

Mr. Francis—The Motion is confined to a bare Communication of the Company's Orders : How it may operate I do not know ; but as this Government is the Medium through which the Company's Orders are carried into Execution, it seems to me unusual at least to leave them in this single Instance to execute themselves. As for the rest, I have no Distrust of the Nabob, and hope he will comply.

Resolved, That the Pleasure of the Court of Directors, signified in the 20th Paragraph of their General Letter, dated the 4th February last, and the Assurance therein directed to be given to Mahomed Reza Cawn, be communicated to the Nabob Mobareck ul Dowla and to Mahomed Reza Cawn, in the Words of the General Letter.

## ( E a )

Fort William, 15th December 1779.

Public Department.

At a Council ; P R E S E N T,  
The Honourable Warren Hastings, Esquire, Governor General, President,  
Richard Barwell, } Esquires.  
Philip Francis, }  
Edward Wheler, }

Read the following Letters from the Nabob Mobareck ul Dowla and from Mahomed Reza Khan :

From the Nabob Mobareck ul Dowla, inclosed in a Letter from the Resident at the Durbar ; dated the 10th, and received the 12th of December.

I have been favoured with your friendly Letter, under Date the 21st of Jehadar.

You write, that a Letter has lately been received from the Court of Directors, expressing their Pleasure that the Nabob Mahomed Reza Khan be restored to the Office of Naib Soubah. My Patron ! When the aforesaid Nabob was just appointed to the Naib Soubahship, it was entirely on this Account ; that, by Reason of my tender Age, I could not transact my own Affairs in Person, but requested the Assistance of a Naib. When I became of Age, there was no further Occasion for a Naib ; and I accordingly wrote to you on the Subject, and informed you that I would take on myself the Management of my own Affairs, and had no further Use for a Naib. And as this was perfectly reasonable, you in Council gave your Sanction thereto, and favoured me with a Letter, authorizing me to take the Administration on myself, and to dismiss the said Nabob ; which was accordingly done ; and, from that Time to the present, the Affairs of the Nizamut, Fouzdarry, and Adawlut depending on the Nizamut, have been conducted on that Plan by my Authority.—The Letter received from the Court of Directors, signifying their Pleasure that the said Nabob be restored to the Naib Soubahship, fills me with the greatest Astonishment ; nor can I penetrate the Motive of it. Perhaps the Circumstance of my being arrived at Years of Maturity have not yet reached the Ears of the Court of Directors in Europe ; and, notwithstanding the Number of Children and Dependants which I have, they still reckon me an Infant ; otherwise, would they have determined to place my Family under the Authority of another, and written you for that Purpose ? In a Word, it was necessary that I should inform you of my Situation, which I formerly did ; and it depended on you to transmit such Information to the Court of Directors.

It is notorious, that the meanest of the People will not admit of the Authority of a Stranger in their Families ; how can it then be expected of me ? In a Word, I administer the Affairs of the Nizamut, which are in fact the Affairs of my own Family, by my own Authority, and shall do so ; and I can never, on any Account, agree to the Appointment of the said Nabob to the Naib Soubahship, which would bring the greatest Dishonour, Disgrace, and Contempt on me. I will never, of my own Consent, admit the said Nabob to any Authority in the Affairs of the Nizamut, Fouzdarry, and Adawlut dependent on the Nizamut ; and from Motives of Justice I expect, regarding the Rights which my late Father is allowed to have had on the Company, you will never consent that any Compulsion be put in question ; and that you will use every Means for the Preservation of my Credit, Honour, and Dignity.

From Mahomed Reza Cawn, addressed to the Governor General 14th November.

Your gracious Letter, informing me that you had received a Letter from the Court of Directors, signifying their Pleasure that I shall be restored to the Office of Naib Soubah, and to be assured, that as

SEL. COM. REP. V.

G g

long



## A P P E N D I X, N° 6. (E a)

long as I shall merit their Favour, by my Attachment to the Company and a faithful Discharge of the Duties of that Office, their Protection will be continued to me; honoured me by its Arrival on the 24th Jehauder (3d December.) My Tongue has been ever since employed in expressing my Thankfulness to the Company for their great Kindness to me, and my Heart is deeply impressed with Gratitude for your Favours; and from the Abundance of your Bounty and Regard to me, I am hopeful that, taking Compassion upon my unfortunate Situation, you will restore me to the Station which I held before, and make me ever grateful to you for such mighty Obligations.

I was always, from the Bottom of my Heart, attached to the Company, and kept their Interest in View; and shall now continue to shew my Attachment to them, and to execute the Business belonging to that Station with all my Abilities. Meir Seid Aly is at your Presence; I hope he will meet with your Favour; whatever you are pleased, at any Time, to direct him to do, shall be performed.

From the same to the Council.

Your gracious Letter, &c. &c. honoured me by its Arrival on the 24th of Zekadar (3d December.) I have ever since been employed in returning Thanks for the Kindness of the Company, and the Protection of the Governor General and the Gentlemen of the Council. From the Greatness of your Bounty I am hopeful, that being favourably inclined to me, you will restore me to my former Station. I have always been faithfully attached to the Interests of the Company, and shall ever continue to shew my Attachment to them, and to perform the Duties of that Station.

Mr. Francis delivers in the following Minute:

Mr. Francis—I must request the Attention of the Board to a short Recapitulation of the principal Steps taken, and Declarations made, by the Nabob, and by this Government, in relation to the Removal of Mahomed Reza Cawn, and to the succeeding Distribution of the several Offices held by him.

In a Letter received from the Nabob on the 17th November 1777, he desires, “That Munny Begum may be allowed to take on herself the Administration of the Affairs of the Nizamut, without the Interference of any other Person whatever;” and adds, “that by this the Governor will give him complet Satisfaction.”

In the next Letter, received 12th February 1778, he desires that Mahomed Reza Cawn may be removed, and expresses his Hope that, “as he himself is now come to Years of Maturity, and by the Blessing of God is not so devoid of Understanding as to be incapable of conducting his own Affairs,” the Governor will give him the conducting of the Affairs of the Nizamut, and of his own Household, together with the Administration of the Adawlut and Fouzdarry.

As the Court of Directors themselves have fully discussed the Claims and Pretensions stated in this Letter, I shall not attempt to add any Thing to their Observations thereupon.

On the 7th of March 1778, a Letter from the Governor informs the Nabob, that it had been agreed, “that his Excellency being now arrived at Years of Maturity, the Controul of his own Household, and of the Courts dependent on the Nizamut and Phouzdarry, should be placed in his Hands;” and Mahomed Reza Cawn was directed at the same Time to resign his Authority to the Nabob.

In a Letter received from the Nabob the 4th May 1778, he says, “he has made Choice of Sudder ul Hoc Khan to fill the Station of Naib of his Adawlut and Phouzdarry, and of Rajah Gourdas for the Office of the Nizamut;” and desires that “Mahomed Reza Cawn’s Salary may be divided between these Two Persons and the Two Begums.” On the Requests contained in the Letter, and immediately complied with, I have nothing to add to the Remarks stated in my Minute of 7th May 1778, except, that there could not be a grosser Contradiction than, first to remove Mahomed Reza Cawn on Pretence of the Nabob’s executing the several Offices himself, and immediately afterwards to appoint other Persons to execute those Offices, and at the same Time to give a considerable Portion of the Salary annexed to them to the Two Begums.

Sudder ul Hoc Khan, in a Letter received 1st September 1778, says, “His Highness himself is not deficient in Regard for me, but certain bad Men have gained an Ascendancy over his Temper, by whose Instigation he acts.” After complaining of the Sights he receives from the Nabob, he adds: “Thus they cause the Nabob to treat me, sometimes with Indignity, at others with Kindness, just as they think proper to advise him; their View is, that by compelling me to Displeasure at such unworthy Treatment, they may force me either to relinquish my Station, or to join with them and act by their Advice, and appoint Creatures of their Recommendation to the different Offices, from which they might draw Profit to themselves.”

In a subsequent Letter to the Governor, Sudder ul Hoc Khan says, “The Begum’s Ministers, before my Arrival, with the Advice of their Counsellors, caused the Nabob to sign a Receipt; in consequence of which they received, at Two different Times, near 50,000 Rupees, in the Name of the Officers of the Adawlut, Fouzdarry, &c. from the Company’s Circar; and having drawn up an Account current in the Manner they wished, they got the Nabob to sign it, and then sent it to me.” In the same Letter he asserts, “that these People have the Nabob entirely in their Power.”

On the 1st of September 1778, the Government informs the Nabob, that “it is highly expedient that Sudder ul Hoc Khan should have full Controul in all Matters relative to his Office, and the

## A P P E N D I X, N° 6. (E a)

“ sole Appointment and Dismission of the Sudder and Mofussil Officers; and that his Seal and Signature should be authentic to all Papers having Relation to the Business entrusted to him; — I therefore intimate to you, that he should appoint and dismiss all the Officers under him, and that your Excellency should not interfere in any one.”

The Nabob, in a Letter to the Governor, received 3d September 1778, says, “ Agreeably to your Pleasure, I have relinquished all Concern with the Affairs of the Phouldarry and Adawlut, leaving the entire Management in Sudder ul Hoc Khan’s Hands.”

Sudder ul Hoc Khan, in a Letter received 30th September, says, “ Yatibar Ally Cawn (Munny Begum’s chief Eunuch) from the Amount Salaries of the Officers of the Adawlut and Phouldarry, which before my Arrival he had received for Two Months from the Sircar, made Disbursements according to his own Pleasure; he had therefore caused the Sum of 7,400 Rupees, on Account of the Price of mine and my Paislicar’s Kellauts, to be carried to Account, and now continually sends a Man to demand from me Four thousand Three hundred and odd Rupees, as the Balance of the Price of Kellauts, and constantly presses me to take it from the Amount of the Salaries of the Officers of the Adawlut and Fouzdarry, and send it to him; and I shall be under the Necessity of complying: I mention this for your Information.”

The Governor General’s Letter to the Nabob, dated the 10th of October 1778, contains a Representation so pointed, and so very just, of the fatal Effects which had attended the Nabob’s interfering in the Administration of Justice, that I shall insert it entire, but without any Comment; in fact, it speaks too plainly to require one.

“ At your Excellency’s Request, I sent Sudder ul Hoc Khan to take on him the Administration of the Affairs of the Adawlut and Fouzdarry, and hoped by that Means not only to have given Satisfaction to your Excellency, but that through his Abilities and Experience, these Affairs would have been conducted in such Manner as to have secured the Peace of the Country and the Happiness of the People; and it is with the greatest Concern I learn that this Measure is so far from being attended with the expected Advantages, that the Affairs both of the Fouzdarry and Adawlut are in the greatest Confusion imaginable, and daily Robberies and Murders are perpetrated throughout the Country.

“ This is evidently owing to the Want of a proper Authority in the Person appointed to superintend them; I therefore addressed your Excellency on the Importance and Delicacy of the Affairs in question, and of the Necessity of lodging full Power in the Hands of the Person chosen to administer them; in Reply to which, your Excellency expressed Sentiments coincident with mine: Notwithstanding which, your Dependents and People, actuated by selfish and avaricious Views, have by their Interference so impeded the Business as to throw the whole Country into a State of Confusion, from which nothing can retrieve it but an unlimited Power lodged in the Hands of the Superintendent. I therefore request that your Excellency will give the strictest Injunctions to all your Dependents, not to interfere in any Manner with any Matter relative to the Affairs of the Adawlut and Phouldarry; and that you will yourself relinquish all Interference therein, and leave them entirely to the Management of Sudder ul Hoc Khan. This is absolutely necessary to restore the Country to a State of Tranquillity; and if your Excellency has any Plan to propose for the Management of the Affairs in future, be pleased to communicate it to me, and every Attention shall be paid to give your Excellency Satisfaction; in the mean Time I have given Directions to Sudder ul Hoc Khan to take the sole Management of them into his own Hands, and to apply assiduously to the Restoration of Tranquillity and good Order in the Country; and I must request that your Excellency will confirm them by similar Orders to him; otherwise a Measure which I adopted at your Excellency’s Request, and with a View to your Satisfaction, and the Benefit of the Country, will be attended with quite contrary Effects, and bring Discredit on me.”

From the preceding Correspondence I think it appears beyond Dispute, that the Nabob himself has hitherto been a mere Cypher through the whole Transaction, or rather an Instrument in the Hands of Munny Begum, and others employed by them, and for their Purposes only, to accomplish the Removal of Mahomed Reza Cawn. That these People have made a most dangerous and iniquitous Use of the Nabob’s Name and Authority, while they had both at their Disposal, and that the Governor General himself was convinced that the Interference of the Nabob, or of those who acted for him, in the Affairs of the Nizamut, had been attended with the most ruinous Consequences, which he accordingly endeavoured to obviate, by directing him not to concern himself in any Shape in the Conduct of the Business entrusted to the Naib Soubadar.

With respect to the Nabob, I shall only observe that his Letters involve him in a very disgraceful Dilemma; if I could believe it possible, that freely, and of his own mere Motion, he could recommend “ *That Munny Begum should take on herself the Management of the Affairs of the Nizamut, without the Interference of any other Person;*” that he should in one Letter desire to conduct the Affairs of the Nizamut himself, and in the next that a Naib should be appointed to conduct them for him; I should give little Credit to the Assertion with which these Requests are accompanied, viz. *That he is not devoid of Understanding.* He may arrive at Years of Maturity; but if at the Age of Twenty-one he does not perceive the Folly and Absurdity of such Propositions and such Contradictions, I should despair of his ever arriving at Years of Discretion. On the other Hand, if these Letters are written for him, which I am thoroughly satisfied is the Case; if he has no Will of his own; and if the Rights and Authorities demanded in his Name are in Reality to devolve to Munny Begum, to her chief Eunuch, and to the other Persons of whose Misconduct the late Naib Soubadar made so many Complaints to the Governor, what Opinion are we to entertain of his Excellency’s Understanding

standing and Veracity? or on what Ground can we commit the Management of such important Affairs to a young Man so dependent on Munny Begum, and evidently so incapable of judging or acting for himself.

I now proceed to the last Orders of the Court of Directors. They consider the whole Subject in the same Light that I do; they acknowledge no Rights of Inheritance in the Nabob; they understand every ostensible Accession to his Power as a real one to that of Munny Begum; they deem it for the Welfare of the Country, that the Office of Naib Soubadar should be continued, and they positively direct us forthwith to signify to the Nabob their Pleasure, that Mahomed Reza Cawn be immediately restored to it.

But notwithstanding they had a thorough Knowledge of the Facts, and were perfectly acquainted with all the Characters, they certainly were not aware of the Possibility of such a Case as now exists, or they would have provided against it: They did not foresee that their positive Orders would not be enforced by this Government, or that such Orders would be disobeyed. When they read the Nabob's late Letters, the false and frivolous Pretences on which he endeavours to counteract and defeat an Arrangement which the Company have deemed necessary for the Welfare of the Country, will astonish them no less than our Acquiescence in such Pretences.

First he says, that he had formerly written to the Governor, that he had no further Occasion for a Naib, and would himself conduct his own Affairs; and he asserts, that since the Dismissal of Mahomed Reza Cawn to the present Time, the Business had been conducted under his own immediate Direction. Is it possible that he should forget, that in consequence of Sudder ul Hoc Khan's Appointment, the Governor had expressly required him not to interfere; and that the Nabob had thereupon relinquished all Concern with the Affairs of the Fouzdarry and Adawlut, and left the entire Management of them to the Hands of the Naib?—In his next Letter he talks of the Rights of his deceased Father as well as his own, as if the Office of Nazim was hereditary. He talks of his Claims on the Company as if he held by some other Title than their Friendship and Protection, or as if either he or his Father had any Right in the Soubahdary beyond what they derived from the voluntary Acts of the Company, or of their Representatives. He says, he never will admit Mahomed Reza Cawn to possess any Degree of Authority in his Family; and that as Sudder ul Hoc Cawn is dead, he shall take upon himself the Management of the Business. In his last Letter, he observes that Mahomed Reza Cawn was at first appointed on account of his the Nabob's tender Age, which required the Assistance of a Naib; forgetting, that not only a Naib Soubadar was appointed, and the Office executed without Objection, during the Government of his Predecessors, but that he himself had submitted about a Year ago to the Appointment of Sudder ul Hoc Cawn, and that the latter continued to execute his several Offices till his Death, with Powers totally and unavowedly independent on the Nabob. He forgets, or perhaps he does not know, that the Treaty of March 1770, by which alone his Rights, whatever they may be, were created, provides for the Appointment of a Naib of the Provinces, to be invested with the Management of Affairs; and that this Naib was appointed at the Instance of the Governor and the Gentlemen of the Council. In the same Letter the Nabob declares, that he administers the Affairs of the Nizamut *by his own Authority, and shall do so*; and that he never can, on any Account, agree to the Appointment of Mahomed Reza Cawn to the Naib Soubahship.

The Governor General's Letter of the 10th October 1778, will shew the Company, not only in what Manner this important Business is likely to be conducted, and what Opinion the Governor General himself entertains of the Nabob's Capacity, but, that neither were his supposed Rights nor the Maturity of his Age attended to at that Time, nor his personal Inclination consulted; notwithstanding all his Claims to the Fouzdarry and Adawlut, the Governor's Pleasure divested him of both, and left him without an Option. These however are not the first and immediate Objects of Consideration; a new and unexpected Question is now before us. The Company's Orders are disobeyed on pretended Principles, which suppose the Existence of an Authority in these Provinces, independent of the Authority of Great Britain over them. That of the Court of Directors is the only Medium by which the Subjection of Bengal to Great Britain is held and secured: In Opposition to it, the Nabob declares, *that he acts by his own Authority, and shall continue to do so*. I do not know what Name the Law will give to the Disobedience of the Company's lawful Orders by this Board, or whether such Disobedience, directly avowed by ourselves, would not be less criminal, and in its Consequences less dangerous, than under the Form which it now assumes; but every Man must see which Way the present Example leads, and what Use may be made of it. If some vigorous Measures be not immediately taken by the Company to disarm the Nabob of all Means of Resistance, or at least to deter him from attempting it again, their Dominion over Bengal is not secure. I am sorry this unexperienced young Man should have been so unhappily advised: He does not know on what dangerous Ground he treads: He forgets himself too grossly when he disobeys the Company's positive Orders, and in the same Breath tells the Governor General, "You are the Master and my Patron, and I can take no Measure without first communicating it to you."

The Company will consider whether this avowed Distinction between them and their local Representative, be not something more than disrespectful; or whether their Injunctions would have been slighted, if they had been accompanied by the usual and proper Requisition on the Part of the Governor General and Council, which I repeatedly recommended without Success. Other and more alarming Reflections will naturally succeed. The ostensible Shadow of the Nabob's Authority may in Time find a Substance to support it. If the Spirit of Party and Faction, which prevails through every Department of Government, and through every other Rank of Life, should reach to the Sepoys,

# A P P E N D I X, N<sup>o</sup> 6. (E a) (F a)

it would be a painful, but not a difficult Task, to count the few remaining Steps which lead inevitably from that State of Things to final Dissolution. At whatever Distance that Danger may appear to be; yet, if the Course we are in, point directly to it, I trust that the Wisdom of the Company will not deem it unworthy of their instant Consideration. The same Measures by which a great and eminent Mischief might have been prevented, will not be sufficient to correct or retrieve it.

I now move, that it may be resolved, that the preceding Letter from the Nabob is highly dissatisfactory to the Board; and that the Governor General be requested to signify the same to him, and to demand, in our Name, his immediate Compliance with the Orders of the Company.

Mr. Wheeler—I agree to the Motion.

Mr. Barwell—If any Advantage was stated to derive to the Company by controuling the Will of the Nabob, it might be a Question with me how far the Occasion would vindicate the Compulsion proposed; but when no National Benefit can accrue, nor is stated, I cannot give my Assent to a very exceptionable Measure.

Governor General—I shall take another Occasion to deliver my Sentiments at large on the Subject of this Motion. For the present I shall content myself with declaring, that I have gone to the utmost Lengths prescribed to me by the Company's Orders, and by my Sense of my Duty, and that I will not go beyond them.

Mr. Francis's Motion resolved in the Negative.

Mr. Francis—Since it is resolved that the Board will not insist on the Nabob's Compliance with the Company's Orders, nothing is left for me, but to move, as I now do, that the Salary allotted by the Company out of their Revenues, for the Support of the Office of Naib Souba, amounting to Three Lacks of Rupees per Annum, or so much of it as was divided between Munny Begum, Baboo Begum, Rajah Gourdahs, and Sudder ul hoc Cawn, may cease, and be made a Saving in the Company's Treasury, from the Day when Sudder ul hoc Cawn died. It is the Company's Property; and if it be not employed in the Manner they direct, it should not at least be applied to any other Purpose.

Mr. Wheeler—I agree to the Motion.

Mr. Barwell—I must desire that the Fund from which this Payment is made to the Ministers of the Nabob, be stated by the Accountant General before I give my Opinion on the Motion.

Governor General—I object to the Question in the Terms of it, but I consent to wait for the Information required by Mr. Barwell.

Ordered, That the Accountant General to the Revenue Department be directed to furnish the Account desired by Mr. Barwell.

Agreed, That the further Consideration of this Subject be deferred till the Receipt of the above-mentioned Account.

Warren Hastings,  
P. Francis,  
Edw<sup>d</sup> Wheeler.

## ( F a )

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 20th December 1779.

Read the following Letter from the Accountant General to the Revenue Department.

To J. P. Auriol, Esquire, Secretary.

Sir,

In answer to your Letter of the 15th Instant, requiring a State of the Fund from which the Salary allotted by the Company for the Support of the Office of the Naib Soubah, or so much of it as was divided between Munny Begum, Baboo Begum, and Sudder ul hoc Cawn, is paid, and what the present Situation of it is, I take the Liberty to inform you, that there is no Fund from whence those Salaries are defrayed; they are paid from the Treasury of the Resident at the Durbar, in the same Manner as the other Expences of Government under his Department.

I am, &c.

(Signed) Charles Crofts,  
S. T.

Considered the Motion made by Mr. Francis in the last Consultation, viz. "That the Salary allotted by the Company out of their Revenues for the Support of the Office of Naib Souba, amounting to Three Lacks of Sicca Rupees per Annum, or so much of it as was divided between Munny Begum, Baboo Begum, Rajah Gourdahs, and Sudder ul hoc Cawn, may cease, and be made a Saving in the Company's Treasury, from the Day when Sudder ul hoc Cawn died."

Mr. Barwell—By the Letter received from Mr. Crofts, the Charge of the Nizamut Allowance appears to be defrayed by the Company; there was, I find, a certain Fund, under the Name of The Sinking Fund, established upon the Orders of the Company, limiting the personal Charges of the Nabob to the Sum of 16 Lacks, and reserving Sicca Rupees 15,81,860 per Annum; and to this

SEL. COM. REP. V.

H h

Fund

# A P P E N D I X N<sup>o</sup> 6. (Fa)

Fund were charged certain Demands against the Mogul Government, which have since been totally liquidated, as will appear more particularly by a State of the Fund, which I have just now received from Mr. Crofts. If it was incumbent on the Nabob to discharge out of the Allowances made to him by our Government, the different Claims which appear to be stated in this Account, I do not see any Reason why the Company should continue burthened with ~~certain~~ Expences which arise solely on the Score of his Government, while those Means which he has ~~on~~ providing for the Whole from his established Allowances, remain unapplied. By the present Method, it appears to me, the Savings stated in the Sinking Fund are made totally at the Expence of the Company; because the Charges of the Nizamut, or Country Government dependent on the Souba, ~~instead of being~~ disbursed from the Sum allotted for the Souba's Government, are disbursed from the Company's Means, and the Claim on the Score of the Allowances fixed for the Charges of the Souba's Government, suffered to accumulate to the exorbitant Sum of 90,04,188. 7. 4. as a Debt due from the Company; this being the Case, there appears to me to be an absolute Necessity to correct an Error, which has led Mr. Francis into the Idea that the Disbursement which is made by the Company, is made by them out of their Revenues, for the Support of the Office of Naib Souba, amounting to Three Lacks of Rupees per Annum. While the Company hold this Fund of 15,81,860 Rupees per Annum, of the Sum of 31,81,860, which by Treaty they expressly stipulate to pay for the Support of the Souba's Government, it is not just that they should be charged with any Expence to be disbursed on that Account. I therefore move, that all Expences that have been incurred, or shall in future be incurred, on account of the Nizamut, or Country Government dependent on the Souba, be set off against the Claims of the Souba, for such Part of the Stipend or Salary allotted for the Support of his Government as has been retained by Government, for this and other express Purposes directed by the Company. I understand the Motion made by Mr. Francis to have for its Object, the compelling the Nabob to accept of Mahomed Reza Cawn for his Minister, or to reserve the Sum which is allotted as the Due of Mahomed Reza Cawn, to be disposed of by the Order of the Company. This Motion being made on the Presumption that the Nizamut Officers are the Officers of the Company, and in the Pay of the Company, can only be supported upon that Principle. I am therefore against the Motion.

C.

Sinking Fund arising from the Reduction of Nabob Mobareck ul Dowla's Stipend.

D.

To the Honourable Company, for Sums disbursed by them on the following Accounts, to replace from the Aggregate of this Fund.

Army Donation.

1766. 12th March	C' R'	1,50,000	—
8th April	—	24,000	—
1769. 12th September	—	1,45,632	12 6
			3,19,632

Navy Donation.

1770. January, 1st Payment	— C' R'	7,25,000	—
1771. September, 2d D <sup>o</sup>	—	7,25,000	—
1773. July 1st Infant, 2d D <sup>o</sup>	—	1,37,750	—
1774. August. Ordered per Genl Letter 7th January 1774	—	95,156	—
			16,82,906

1776. May 12. To Treasury, for the Amount of a Dividend of One Anna paid to the Claimants of the Refutation Fund

Dec' 18. Debt to Bolawky Dofs

Sum agreed for with Juggut Seat, for 10 Years, at the Rate of 1,05,000 Sicca Rupees per Annum

Batta, 16 per Cent.

Carried over, C' R'

Savings on the Nabob's Stipend, from the 21st January 1772, to the 17th December 1779, is 7 Years 10 Months 26 Days, at the Rate of Sicca Rupees 15,81,860 per Annum, amounts to

1,25,05,482 1 8  
20,00,000 3 2

Sicca Rupees —  
Batta, 16 per Cent. —

27,18,170 12 6

12,18,000 —

39,36,170 12 6

Carried over —

1,45,06,359 3 10





# A P P E N D I X, N° 6. (Fa)

Mr. Francis's Motion resolved in the Negative.

Considered the Motion contained in the preceding Minute of Mr. Barwell.

Mr. Wheler—I am against Mr. Barwell's Motion.

Mr. Francis—If I understand the preceding Minute, the Savings from which the Sinking Fund therein mentioned was constituted, viz. 15,81,860 Sicca Rupees per Annum (accruing since the Time when the Pension of the Nabob Mobareck ul Dowla; as settled by a Treaty highly disapproved by the Company, was reduced to 16 Lacks by their positive Orders) do not belong to the Company, and that something will be gained by charging that Fund with the Amount of the Salary allotted by the Company out of their own Revenues for the Support of the Naib Souba. It is indifferent to me, and I believe perfectly immaterial to the Company, in what Way the Account is stated. The Charge, if disbursed, comes out of the Company's Treasury: It is immediately paid out of the Collections of the Division of Moorsheadabad, as the Company will see, by referring to our Letter to Mr. Martin, of the 11th May 1778. Am I to understand, that Mr. Barwell means to make the Company Debtor to the Nabob Mobareck ul Dowla, for the Amount of the above Savings? If he does, I wish it to be declared so in plain Terms. They would by this Time amount, as I believe, to 112 Lacks of Sicca Rupees. If he does not, I cannot possibly discover the Meaning or Application of his Motion. As for myself, I deny the Fact, and all Consequences pretended to be derived from it.—On the Remainder of Mr. Barwell's Minute, there is but little to be said. Supposing it true, that a real effective Country Government now existed, and that the Affairs of the Nizamut did of Right fall under the immediate Administration of Mobareck ul Dowla (all which is so manifestly contrary to the Fact, that it will not bear an Argument) still it would not follow, that my last Motion ought to be rejected. The Sum which I propose to be reserved, is not divided among the Officers of the Nizamut: Mr. Barwell surely did not consider in what Manner it is actually distributed. Neither do I admit, that my last Motion *had for its Object the compelling the Nabob to accept of Mahomed Reza Cawn for his Minister*: It could not possibly have that Effect: The Point was already decided by a preceding Resolution. And if, as I conclude, the sole Object of the Nabob be to keep the Amount of Mahomed Reza Cawn's Salary, and to distribute it among his Family and Dependents, our taking the Money from him will not tend to compel him to re-instate Mahomed Reza Cawn, by which he would equally lose it. If that were the only Alternative proposed to him, he would certainly prefer the Measure which freed him from the Check of Mahomed Reza Cawn's Authority, and left every Thing in his own Hands.

I have said, the Mode of stating the Account proposed by Mr. Barwell, is a Matter of Indifference in itself; but as it implies a Conclusion in which I do not concur, I am against the Motion.

(Signed) Philip Francis.

Governor General—Mr. Barwell's Motion is literally conformable to the Orders of the Court of Directors of the 10th April 1771, which first directed the Suspension of One Moiety of the Nabob's Stipend, and which I desire the Secretary for that Reason, and for the strongest Justification of it, to enter after this Minute. I agree to the Motion:

Extract of the General Letter from the Court of Directors, dated 10th April 1771:

"Par. 38. Convinced as we are, that an Allowance of Sixteen Lacks per Annum will be sufficient for the Support of the Nabob's State and Rank while a Minor, we must consider every Addition thereto as so much to be wasted on a Herd of Parasites and Sycophants, who will continually surround him; or at least to be hoarded up; a Consequence still more pernicious to the Company: You are therefore, during the Non-age of the Nabob, to reduce his Annual Stipend to Sixteen Lacks of Rupees; and this we have the greater Reason to require, as we find ourselves subjected to the Payment of large Sums, due from the Revenues of the Dewanny before the Company became possessed thereof, on Account of the Navy Donation, and the Arrears of that to the Army; the Balance due for Restitution to Europeans, Colonel Munro's Demand for Two Lacks, the Debt due to Belackydah, and the Annual Sum of One Lack for Ten Years, which we have agreed to pay to Jugget Seat; all which press on us with such united Force, that our Treasury will be unable to satisfy these several Demands without wounding our Commerical Interests, and endangering our Possessions in Bengal. Being once relieved from this Load of Incumbrances, the Savings, we may expect from this Reduction, will properly become a Fund for Military Exigencies; which Fund, being solely applicable to the Defence of the Provinces, will contribute no less to the Nabob's future Benefit than to that of the Company.

"Par. 39. At a Time when every justifiable Measure should be adopted for availing the Public and the Company of all the Advantages we had in Prospect from our Possession of the Dewanny, we cannot but reflect on the Dissipation of a considerable Part thereof, by the Allowances to the Nabob's Ministers."

Ordered, That all the Expences which have been incurred, or which shall in future be incurred, on Account of the Nizamut, or Country Government dependant on the Souba, be set off against the Claims of the Souba for such Part of the Stipend or Salary allotted for the Support of his Government, as has been retained by Government for this and other express Purposes, directed by the Company in their Letter of the 10th April 1771.

SAL. COM. REP. V.

11

Extract

# A P P E N D I X, N<sup>o</sup>. 6. (F a) (G a)

Extract of General Letter from Bengal, dated 14th January 1780.

15 December. Par. 54. On Receipt of your Orders of the 4th February last, for the Restoration of Mahomed Reza Cawn to the Office of Naib Soubah, we caused an Extract from them to be translated into the Persian Language, and transmitted, through the usual Channel, to the Nabob Mobareck ul Dowla. By his Answer you will observe, that he has not thought proper to comply with your Requisition. For the Reasons on which he has grounded his Refusal, and our Debates and Proceedings in Consequence, we beg Leave to refer to our Consultations, and to request your attentive Perusal of them.

## ( G a )

Extract of the Proceedings of the Governor General and Council, in their Public Department, 24th February 1780.

The Governor General lays before the Board a Letter from the Nabob Mobareck ul Dowla, containing his Assent to the most essential Parts of the Company's late Order for the Restoration of Mahomed Reza Cawn to the Office of Naib Soubah. The Governor General informs the Board, that he has urged to him the Necessity of a full Compliance, and that he considers this as already effected: He therefore proposes, that the Resident at the Durbar be directed to inform Mahomed Reza Cawn, that he is re-instated in all and every Part of the Authority vested in him by the Resolution of the Board of the 18th October 1775, and to receive the Salary of Sicca Rupees 2,40,000 per Annum, annexed to his Office by the above Resolution, from the 13th November 1779; from which Day the several Salaries and Allowances granted to Munny Begum, Baboo Begum, Rajah Gourda's, and the late Sudder ul Hoc Cawn, by the Resolution of the Board of the 11th of May 1778, are to cease and determine; and that he be authorized to prepare Khelauts, and invest Mahomed Reza Cawn with the same, in the Name of this Government, and that the Nabob be requested to bestow on him the same Marks of his Favour.

From the Nabob Mobareck ul Dowla, received 22d February 1780.

Your gracious Letter, informing me, that you had received repeated and positive Orders from the Company, about the Restoration of the Nabob Mahomed Reza Cawn, Bahadre, Mozuffer Jung, to the Office of Naib Soubah; and also respecting the withdrawing the Pension of the Two Begums, which had been assigned to them in the Month of January 1778, and containing your Advice on this Subject, is arrived, and I am acquainted with all the Particulars of it.

Sir! what Uneasiness and Sorrow I felt on learning the Contents of your Letter, are foreign to my present Letter. Before this I have made you acquainted with my Wishes on the Subject of the said Nabob's Restoration, and I have not yet altered my Desire on this Head: But as the Company's Orders are so positive, and since you, whom I have always considered, and still consider, as the Support of myself and my Family, advise me to comply with them, I am left without Remedy. As I have at all Times conducted my Affairs agreeable to your Advice, although it should not coincide with my Wishes, I have accordingly determined to obey the Orders of the Company respecting the Restoration of the Nabob Mahomed Reza Cawn to the Office of Naib Soubah, and to re-instate him accordingly in all the Rights of that Office; but will not suffer him to have any Authority in my Household Matters, which depend solely upon myself; and besides, I hope from your Friendship, that positive Directions may be given to him at the Time of his Appointment, that he act in all Matters by my Advice; and that my Signature be put to all Papers. Although I, from the Necessity of the Times, and in Compliance with your Advice, have agreed to a Thing which is full of Detriment to my Rights and those of my Family, and contrary to the Expectations which I had from the Company and the English Nation; yet, reflecting on the Justice and Equity of the English Gentlemen, I am confident, that whenever the Company shall send out Orders by which my Rights can be impaired, and should direct me to be put under the Authority of a Person who has no Right in the least to it, you will, upon receiving full Information of it, do me Justice, and restore me to my Rights, that no Disgrace and Dishonour may come upon me. In short, I trust all my Concerns to your Friendship, and hope that you will explain them in such a Manner to the Company, that Justice may be done to me. Further Particulars will be made known to you by the Letter of Sir John D'Oyley, who is my true Friend, and in whom I put entire Confidence. Whatever he shall write, consider as coming directly from me.

Agreed to the Governor General's Proposition; and resolved, That the following Letter be written to the Resident at the Durbar.

Sir,

The Nabob having assented to the Execution of the Orders from the Honourable the Court of Directors, in favour of Mahomed Reza Cawn, we desire you will inform him, that he is re-instated in all and every Part of the Authority vested in him by the Resolution of the Board of the 18th October

A P P E N D I X, N<sup>o</sup> 6. (Ga) (Ha) (Ka)

ber 1775, and to receive the Salary of Sicca Rupees 2,40,000 per Annum, annexed to his Office by the above Resolution, from the 13th November 1779; from which Day the Salaries and Allowances granted to Munny Begum, Baboo Begum, Rajah Gourdahs, and the late Sudder ul Hoc Cawn, by the Resolution of the Board of the 11th of May 1778, are to cease and determine.

As it is proper that a Khelaut should be presented to Mahomed Reza Cawn, in the Name of this Government, on the Occasion of his Appointment, we direct, that you accordingly invest him with one; and make it our Request to the Nabob, that he will likewise bestow the same Mark of his Favour upon him.

Fort William,  
24th February 1780.

We are &c.

( H a )

Extract of General Letter from Bengal, dated 3d March 1780.

Par. 12. We have the Pleasure to inform you, that the Nabob Mobareck ul Dowla having signified his Assent to the Execution of your Orders, in favour of Mahomed Reza Cawn, by a Letter to the Governor General, we accordingly re-instated him in all and every Part of the Authority vested in him by the Resolution of the Board of the 18th October 1775, with the Salary of Sicca Rupees, 2,40,000, annexed to the Office by that Resolution, from the 13th November 1779; from which Day the several Salaries and Allowances granted to Munny Begum, Baboo Begum, Rajah Gourdahs, and the late Sudder ul Hoc Cawn, are to cease and determine.

( K a )

Extract of the Proceedings of the Governor General and Council, in their Public Department, 23d March 1780.

Honourable Sir, and Sirs,

I have been honoured with your Letter of the 24th February; and in Compliance with your Orders, having previously settled all Points of Ceremony between the Nabob Mobareck ul Dowla and the Nabob Mozuffer Jung, I invested the latter with a Khelaut, in the Name of the English Government; and informed him, that he was re-instated in all and every Part of the Authority vested in him by a former Resolution of the Board of the 18th of October 1775, and that he was to receive the Salary of 2,40,000 Sicca Rupees, to commence from the 13th November 1779.

There is one Point which, as I could not settle, I must take the Liberty to refer to your Determination. You direct, that I shall request of the Nabob Mobareck ul Dowla, that he will bestow a Khelaut on the Nabob Mozuffer Jung, as a Mark of his Favour. I accordingly made the Request, and the Nabob would very willingly have complied; but as Mozuffer Jung could by no Means be induced to accept of it, I thought it better to let the Matter rest till you should decide upon it, than to subject the Nabob to the Disgrace of having it refused when offered. The Nabob Mozuffer Jung's Arguments were, that he had never before received a Khellaut from the Nabob Mobareck ul Dowla; and that to far from being a Mark of Honour to him, which he is convinced was meant by the Board, it would have a contrary Tendency: It was therefore agreed between them, to leave the Point undetermined till your Pleasure should be known.

Should it appear to your Honourable Board necessary that the Nabob Mozuffer Jung should receive a Khellaut from the Nabob Mobareck ul Dowla, permit me to request that you will inform me thereof, and also signify your Pleasure on this Subject to the Nabob Mozuffer Jung.

I must likewise request your further Orders respecting the Salaries of the Munny Begum, Baboo Begum, &c. ~~as they having received the full Amount of their respective Allowance, as settled by the Board on the 11th of May 1778, to the End of January of the present Year.~~

I have communicated to them your Orders, and demanded of them the Overplus, received since the Date on which you determined they should cease; but can gain no other Answer than that they shall address the Honourable the Governor General on the Subject, and wait the Decision.

I have the Pleasure to inform you, that the Whole of the Transaction was conducted in such a Manner as to give apparent Satisfaction to all Parties. The Nabob Mobareck ul Dowla and the Nabob Mozuffer Jung shewed every Degree of Respect and Attention to each other.

I could have wished to have had fuller Instructions from your Honourable Board, respecting the Mode of conducting this Business; but as I had not, I judged it best, and most likely to give general Satisfaction, to conform in every Respect to what had been formerly practised on similar Occasions; and I flatter myself that my Conduct will meet with your Approbation.

I have the Honour, &c.

(Signed)

J. H. D'Oyly,  
Resident at the Durbar.

Moorshedabad,  
1st March 1780.

Resolved,

## A P P E N D I X, N° 6. (K a) — N° 8.

Resolved, That the following Reply be written to the Resident at the Durbar :

Sir,

We have received your Letters of the 31st January and 1st March, in consequence of which we have only at present to direct, that the Two Begums be required to refund the Overplus which they have received on Account of their Salaries, from the Company out of their growing Pensions from the Nabob.

Fort William,  
23d March 1780.

We are, &c,

*N. B. There is no Appendix, N° 7.*

## A P P E N D I X, N° 8.

PROCEEDINGS of the Governor General and Council at Fort William in Bengal, relative to pecuniary Allowances granted to Sir Eyre Coote in 1779 : Also, The Court's Orders of 18th October 1780 on the Subject.

Extract of the Proceedings of the Board of Inspection at Fort William in Bengal, the 12th April 1779.

**R**EAD the following Propositions of Lieutenant General Sir Eyre Coote, referred from the Council to this Department.

Propositions from Lieutenant General Sir Eyre Coote, referred to the Board of Inspection.

4. That the  $5\frac{1}{2}$  Shares of the Revenue do devolve upon Sir Eyre Coote, as Commander in Chief, from his Arrival at Fort William on the 23d of March; and that General Stibbert do only share as eldest Colonel from that Time.
5. That the 3,000 Rupees per Month, lately granted to General Stibbert for Contingent Expences in the Field, do devolve on General Coote from the 31st of March, as Commander in Chief.
6. That the 16,000 Rupees per Annum, for Secret Intelligence, do devolve on General Sir Eyre Coote, from the 31st of March.

(Signed) W. Bruere,  
Acting Secy.

Sir Eyre Coote delivers in the following Minute :

The Reference I made to the Board on the Subject of General Stibbert's Allowances, which exceed mine by 82,750 Rupees per Annum, proceeded from an Idea that they were granted to him as Commander in Chief under this Presidency; and as on my Arrival at Fort William he could be no longer considered in that Capacity, whatever he drew under such a Denomination must necessarily be discontinued to him.

An Examination of the Minutes of Council has rendered me Master of the several Reasons assigned for granting him those Allowances; and my Researches on this Occasion have led me also to a Knowledge of the Sentiments which have been expressed by the Members of the Board in general, respecting the Insufficiency of the Salary allowed by the Court of Directors to their Commander in Chief in India.

From a long Experience of the Service, I am thoroughly convinced of the Justice of this Opinion, and I am equally certain, that the Court of Directors never meant I should suffer in my private Fortune by carrying on the Public Service.

You will please, therefore, Gentlemen, to adopt such Measures as may prevent any unnecessary Expence from falling upon the Company, and which will at the same Time enable me to execute the Duties incumbent upon me as their Commander in Chief, to visit the several Stations of the Troops, or to take the Field, if necessary, without involving myself in Expences which I should be unable to support.

(Signed) E. Coote.

Mr. Francis—I have prepared my Opinion on the Commander in Chief's Propositions, and beg leave to lay it before the Board.

My Opinion on the Amount of General Stibbert's Allowances is very fully stated in the Consultations of the 14th of May 1778, and I adhere to it in every Particular; I think they should now be reduced to the Establishment at which they stood during General Clavering's Command. This Establishment was formally referred to the Company, and confirmed by them in their Letter of the 24th of December 1776, Paragraph 49. I cannot consent to any Variation from the Allowances fixed for and enjoyed by General Clavering, without the Company's Orders. The very last which they have given us, and which Sir Eyre Coote brought out with him, direct "That Lieutenant General Sir Eyre Coote do receive the same Pay, as Commander in Chief of their Forces in India, as was received

# A P P E N D I X, N. 8.

“ received by Lieutenant General Sir John Clavering.” If all the Allowances stated in the Propositions are agreed to, the present Commander in Chief will receive Eighty-two thousand Two hundred Current Rupees per Annum more than was received by his Predecessor.

(Signed) P. Francis.

Mr. Barwell—As I expect in a short Time the Orders of the Company on the additional Allowances drawn by Brigadier General Stibbert, there does not appear any urgent Necessity to proceed in the Regulation of such Allowances until the Arrival of the Company's Instructions. The Court of Directors, in fixing the established Salary for a Commander of all their Forces in India, have expressed it as a Salary; they therefore certainly intended it to be drawn free and disburthened from all Disbursements to be incurred in the immediate Execution of their Military Service. They certainly did not intend to put the Commander in Chief of all their Military Forces upon a meaner Establishment than the Provincial Commander in Chief at the other Presidencies, or General Stibbert, whose Allowance (the 49th Paragraph of their Letter of the 24th December 1776) is reckoned at 82,000 Rupees. These Facts are so very striking, that I cannot doubt of our having full Authority to regulate an Establishment for Sir Eyre Coote while in the Field, as may be suitable to his high Rank, and bear some Proportion to the Allowances made to the Subordinate Field Officers of this Government. I am for the Question, that a Field Establishment be formed for Lieutenant General Sir Eyre Coote, Commander in Chief of all the Company's Forces, while in the Field.

Governor General—The Allowance of  $5\frac{1}{2}$  Shares of the Commission on the Revenues was not an Emolument annexed to his Station, but a Bounty specially and personally granted to General Stibbert by the Orders of the Court of Directors, in the 31st Paragraph of their General Letter of the 16th April 1777: It cannot therefore be taken from him but by the same Authority.

The Allowance of 3,000 Rupees per Month for Contingent Expences in the Field, was granted to General Stibbert by a separate Act of this Board. Though their Resolutions upon this Subject have been various, yet the Opinions of the different Members, respecting the Necessity of such an Allowance, have been generally the same, as may be seen by the Proceedings of the Board of the 29th February 1776, when this Subject was first brought under the Consideration of the Board, and for other Reasons rejected. For the Truth of this, I appeal particularly to the Opinions of General Clavering and Colonel Monson.

This was never meant as an Allowance annexed to the Station of Commander in Chief; for when it was first proposed, General Stibbert was not considered as invested with that Character; but to defray the unavoidable Expences attendant on the Command in the Field.

As the Resolution of the Board upon this Subject has been long since referred to the Court of Directors, with another relative Circumstance, which must force their Attention to it, and draw from them a clear Decision upon it; and as that Decision may be expected with the first Dispatches of the Season, I think it would be improper and irregular to make any Alteration in it at this Time.

I do not recollect any Order which authorizes General Stibbert to draw a fixed Sum for Secret Service. This is an Expence in its Nature variable; and the Court of Directors, in their Letter of the 24th December 1776, have expressly directed, that it shall not be fixed, but that “Colonel Stibbert” (that is, the Commander in the Field) “shall be paid such Expences as shall appear to us to have been necessarily incurred by him, from Time to Time, on that Account.”

I apprehend that this is a Service which will properly and exclusively belong to the Commander in Chief, whenever his Situation will enable him to assume the Charge of it; and that General Stibbert should be accordingly directed to conform to his Orders respecting it.

Respecting the incidental Charges of the Commander in Chief when he is in the Field, or, which in this Point will be equivalent, when he is absent from the Presidency, I shall premise the following Observations.

1st. The present Allowances drawn by Brigadier General Stibbert are as follows:

Pay as Brigadier General, £. 750 per Annum, or	—	—	7,500
Table Expences in the Field.	—	—	60,000
Contingent Expences in the Field	—	—	36,000
Commission on the Revenues, C <sup>d</sup> 21,368, or	—	—	19,250
Sonant R <sup>d</sup>			1,227,50

I do not reckon the Allowance for Secret Service, because I regard it as a Public Charge, in which he has no Interest or other Concern than faithfully to disburse what he draws.

2d. Of the above Establishment the following Sums have been allotted to General Stibbert by the express Appointment of the Court of Directors:

Pay as Brigadier General	—	—	7,500
Table Charges in the Field	—	—	60,000
Commission on the Revenues at that Time, as I find it computed in Mr. Francis's Minute of the 14th May 1778, C <sup>d</sup> 24,486, or	—	—	22,059
Sonant R <sup>d</sup>			89,559



# A P P E N D I X, N<sup>o</sup> 8.

3d. The Salary allowed to the Commander in Chief, by the fundamental Regulations of this Government, is £. 6,000 per Annum, or Rupees 60,000.

4th. This Sum is expressed to be in lieu of all Charges and Contingencies in the Field; but the Court of Directors have since granted to their First Colonel on this Establishment, as I have remarked above, an annual Stipend of 89,559 Rupees; a Sum exceeding that of the Commander in Chief by nearly 50 per Cent.

But it cannot be supposed that the Court of Directors ever meant to invert the Order of the Service; and that in so great a Degree, as to make so partial and unjust a Distinction between an Officer, placed, not by Selection, but by casual Succession, at the Head of a single Establishment, and the Commander in Chief of all the British Forces in India: Therefore, when they passed these Grants to Colonel, now General Stibbert, they virtually established a Precedent for a proportionate Augmentation of the Allowances of the Commander in Chief; for it cannot be disputed, that his unavoidable Expences in the Discharge of the various Duties annexed to his Station, must greatly exceed those of General Stibbert in a limited Command; and I will presume, that had it been at the same Time proposed to ascertain the Allowances of the Commander in Chief, they would have augmented them proportionably.

On the premises Ground I move,

1st, That the Commander in Chief be allowed to draw for the Expences of his Table when he is in the Field, the Monthly Sum of 7,500 Sonaut Rupees, or 90,000 Rupees per Annum.

2d, That the Commander in Chief be authorized to draw for the following Establishment for himself and his Staff when he is in the Field, in lieu of travelling and all incidental Charges whatever, when in the Field.

## Establishment for General Coote and his Staff.

12 Budgerows	—	150	—	1,800
30 Boats	—	40	—	1,200
10 Elephants	—	75	—	750
200 Coolies	—	5	—	1,000
28 Hircarrahs	—	7	—	196
1 Head Ditto	—	30	—	30
1 Naib	—	15	—	15
50 Lascars	—	8	—	400
1 Serang	—	20	—	20
2 Tindals	—	15	—	30
4 Hackeries	—	30	—	120
2 Gurrymen	—	778	—	15
2 Writers	—	—	—	150
Stationary	—	—	—	200
12 Horses	—	—	—	360
S <sup>t</sup> Rs				6,326

The Sums which I have annexed to the Establishment, are added merely to shew the computed Amount of it, but are not taken from any correct Authority, nor meant to be a Part of the Proposition. If this Motion shall be agreed to, it will be the Province of the Commissary General to affix the Rates of Expence to each Article; and I shall propose, that they be referred to him for that Purpose.

Mr. Francis—On the Principles on which the Opinion I have already given was founded, I have much more Reason to object to the Establishment now proposed, than to the Commander in Chief's first Propositions. All the Allowances granted to General Stibbert, as Commander in Chief or otherwise, and which I have constantly objected to as excessive, are to be continued, and at the same Time a totally new Establishment created, amounting to the Monthly Charge of Current Rupees 15302. 7. 3. or 1,83,629. 7. 0. per Annum. I am against the Motion.

Mr. Barwell—I cannot concur in Opinion with Mr. Francis, that the proposed Establishment is a double one. I do not understand these Allowances are to be drawn upon any other Occasion than that for which it is expressed, for the General's Expences in the Field. There is no immediate Call, that I know of, upon the Commander in Chief to leave the Presidency; and before a Month is passed, we shall, in all Probability, receive the Orders of the Court of Directors, whether Brigadier General Stibbert is to draw the Allowances which he is now entitled to receive, or whether they are to cease: In either Case, the Necessity of the Establishment now proposed for the Commander in Chief of all the Company's Forces, is but a single Establishment. Nor is this a Monthly Establishment, or, if it was, is it of the Extent stated: It is an Establishment only to be drawn when the Public Service calls the Commander in Chief from the Presidency. That it will be drawn, I admit, but it is not probable it will be drawn through the whole Year: Besides, it is a Charge limited to a specific Sum, but does not necessarily include the Expenditure of the whole Amount. I agree to the Proposition.

Governor General—I agree to the Proposition.

Resolved, That the Commander in Chief of the Company's Forces in India be allowed to draw for the

## A P P E N D I X, N<sup>o</sup> 8.

the Expences of his Table when he is in the Field, the Monthly-Sum of Seven thousand Five hundred Sonaut Rupees, or Ninety thousand Rupees per Annum.

Resolved, That the Commander in Chief of the Company's Forces in India, be allowed to draw for the following Monthly Establishment for himself and his Staff when he is in the Field, in lieu of travelling and all incidental Charges whatever, when in the Field :

- 12 Budgerows,
- 30 Boats,
- 10 Elephants,
- 200 Coolies,
- 28 Hircarrahs,
- 1 Head D<sup>o</sup>,
- 1 Naib,
- 50 Lascars,
- 1 Serang,
- 2 Tindals,
- 4 Hackerics,
- 2 Gurrymen,
- 2 Writers,
- Stationary,
- 12 Horses.

Ordered, That this Establishment be referred to the Commissary General, with Directions to affix the Rates of Expence to each Article specified therein.

Mr. Wheler having delivered the following Minute, on the foregoing Proceedings being shewn to him by the Secretary, it is entered in this Place for the Sake of Connection :

16th April 1779.

Mr. Wheler—The Arguments made use of by the Governor General, to evince the Necessity of an Augmentation of Allowances to the Commander in Chief when in the Field, are by no Means sufficient to obviate those Objections which, from a perfect Knowledge of the Regulations alluded to, suggest themselves to my Mind.

In the first Place, the Allowance to the Commander in Chief, by the fundamental Regulations of this Government, was not an Act of the Court of Directors, but of the Proprietary at large, convened together for that Purpose, and by their Orders communicated to their Servants in Bengal by the executive Part of their Constitution, the Court of Directors: Thence it appears to me neither optional in the Court of Directors to increase or diminish an Allowance voted to their Commander in Chief by a General Court of Proprietors; for if it was, with the same Degree of Propriety that the Court of Directors could revoke the Orders of their Constituents, by augmenting an Allowance fixed as above, to their Commander in Chief, they might revoke any and every Act of the Proprietors at large.

It naturally follows, that the Court of Directors do not in themselves possess the Power of altering the Allowance fixed to the Office of Commander in Chief; and it is equally conclusive with me, that no such Power can possibly be vested in our Board.

But, even admitting their Power, it is plain, from the Fifth Paragraph of their General Letter, dated 7th May 1778, by the Stafford, that it was not their Intention to deviate from the established Allowance granted to their late Commander in Chief.

Without entering therefore into the Detail of this Business, or expressing my Disapprobation of the Enormity of each particular Article of Increase, I shall content myself with objecting to any further Allowances being made to Lieutenant General Sir Eyre Coote, than the Court of Directors have, in the 6th Paragraph of their General Letter, dated 29th March 1774, directed to be paid to Lieutenant General Sir John Clavering; an Extract of which I shall here subjoin.

“ And that there be paid to him the Sum of Six thousand Pounds Sterling per Annum, in full for his Services as Commander in Chief, and in lieu of travelling Charges, and of all other Advantages and Emoluments whatever, except his Salary of Ten thousand Pounds per Annum, established by Law, and ordered to be paid him as one of the Council at Fort William in Bengal.”

Extract of the Proceedings of the Board of Inspection at Fort William in Bengal, the 22d April 1779.

Governor General—As strong Objections have been made to the Allowances which were granted, in the Consultation of the 12th Instant, to the Commander in Chief when in the Field; and as the Court of Directors may be desirous of forming their Judgment on the Propriety of this Resolution, on a Comparison of the Amount of these limited Appointments with the various Articles of fixed and contingent Allowances drawn by his Predecessors in the chief Command of the Military Establishment of this Presidency when in the Field; I move, that the Military Paymaster General be directed to compile, and lay before the Board, Abstract Accounts of all the Allowances and contingent Charges, of whatever Nature, which were drawn by the respective Commanders in Chief, since the Year 1763 to the Commencement of General Stibbert's Command; specifying the gross Amount of each Article drawn

## A P P E N D I X, N° 8.

drawn by each Commander in Chief respectively, the Time for which it was drawn, and the Amount of such Parts of the general Charges of the Army as were appropriated to the particular Use of the Commander in Chief, as Elephants, Camels, Bullocks, Coolies, &c. appropriated to the Service of the Commander in Chief.

Mr. Wheler—Agreed.

Mr. Francis—The Governor General's Motion for extra Allowances to the Commander in Chief, does not confine them to the Field; but expressly states, his being absent from the Presidency as equivalent, *in this Point*, to his being in the Field. I deem the present Motion superfluous; because no Conclusion in favour of the Allowances granted to Sir Eyre Coote can be drawn from a Comparison of them with the Abuses of former Times. A View and Consideration of those Abuses, I presume, induced the Company to fix a precise Limitation to the Pay and Emoluments of their Commander in Chief. The whole legislative Authority of the Company was resorted to and exerted in determining General Clavering's Appointments: It is not a Question of Money merely, but of lawful Authority and Obedience; and however it may be determined here, must necessarily be resumed and re-agitated in England.

Mr. Barwell—Very proper; agreed to.

Resolved, That the Military Paymaster General be directed to compile, and lay before the Board, Abstract Accounts of all the Allowances and contingent Charges, of whatever Nature, which were drawn by the respective Commanders in Chief, from the Year 1763 to the Commencement of Brigadier General Stibbert's Command; specifying the gross Amount of each Article drawn by each Commander in Chief respectively, the Time for which it was drawn, and the Amount of such Parts of the general Charges of the Army as were appropriated to the particular Use of the Commander in Chief, as Elephants, Camels, Bullocks, Coolies, &c. appropriated to the Service of the Commander in Chief.

### Extract of the General Letter from Bengal, dated the 22d April 1779.

Par. 20. Our Proceedings held in this Department on the 12th Instant, contain the Opinions of the Members of the Board upon several Propositions which were laid before us by Lieutenant General Sir Eyre Coote, respecting the Allowances enjoyed by Brigadier General Stibbert, and a Representation of the Insufficiency of his own Salary as Commander in Chief of the Company's Forces in India, for particular Duties annexed to that Station; and recommending to us to adopt such Measures as might prevent any unnecessary Expence from falling on the Company, and which would at the same Time enable him to execute the Duties incumbent upon him as their Commander in Chief, to visit the several Stations of the Troops, or to take the Field if necessary, without involving himself in Expences which he would be unable to support.

21. Referring you to those Proceedings for the Arguments used both for and against the Question, we shall only inform you in this Place, that it has been resolved to allow the Commander in Chief to draw for the Expences of his Table when he is in the Field, the Monthly Sum of 7,500 Sonaut Rupees, and an Establishment for himself and his Staff when he is in the Field, in lieu of travelling and all incidental Charges when in the Field, computed at Sonaut Rupees 6,634. 8. which Sum is not to be exceeded. And as the Articles of which this Establishment is composed are particularized on our Proceedings, it is almost unnecessary for us to remark, that the Contingent Bills which under this Establishment the Commander in Chief is authorized to draw, do not necessarily include every Article of Expence expressed, and that only such will be charged as are actually incurred for the Service.

### Extract of the Proceedings of the Board of Inspection at Fort William in Bengal, the 20th May 1779.

The Military Paymaster General sends in the following Letter, and Account of Allowances drawn by the Commander in Chief, from the Year 1763 to the Year 1778.

To the Honourable Warren Hastings, Esquire, Governor General, and Members of the Board of Inspection.

Honourable Sir, and Sirs,

I have the Honour to enclose you an Abstract Account of all the Allowances and contingent Charges, &c. which have been drawn by the respective Commanders in Chief since the Year 1763, as required in your Secretary's Letter, dated the 22d of April 1779.

I should have prepared this Account sooner, but the Perusal of the Books for Sixteen Years back, rendered it a tedious Task.

Calcutta,  
the 8th May 1779.

I am,  
with great Respect,  
Honourable Sir, and Sirs,  
Your most obedient Servant,  
(Signed) William Pawson,  
M<sup>r</sup> P<sup>r</sup> M<sup>r</sup> G<sup>r</sup>.

Abstract

# A P P E N D I X, N° 8.

Abstract Account of all the Allowances and Contingent Charges, &c. which were drawn by the Commander in Chief, from the Year 1763 to the Year 1778, as follows:

1763.

January 1763.

Major Adams' Table Expences for January 1763	AR'	3,441	5	9
Ditto's Moonshee	—	100	—	—
Writer	—	50	—	—
A Banyan	—	60	—	—
	AR'	3,651	5	9
Batta 8 per Cent.		292	3	6

3,943 9 3

February 1763.

Major Adams' Table Expences for February	AR'	3,441	5	9
Ditto's Moonshee	—	100	—	—
Writer	—	50	—	—
A Banyan	—	60	—	—
	AR'	3,651	5	9
Batta 8 per Cent.		292	3	6

3,943 9 3

May 1763.

Major Adams' Table Expences for May	AR'	4,973	11	6
Moonshee for D°, and Writer for April and May	—	300	—	—
		5,273	11	6
Batta 8 per Cent.		451	14	4

5,725 9 10

June 1763.

Major Adams' Table Allowance for June	—	5,194	14	7
Ditto's Moonshee	—	50	—	—
Ditto's Writer	—	50	—	—
6 Hircarrahs	—	65	—	—
		5,959	14	7

6,436 11 4

July 1763.

Major Adams' Table Allowance for July	—	5,794	14	7
Hircarrahs to D°	—	469	—	—
Moonshee to D°	—	150	—	—
		6,413	14	7
Batta 8 per Cent.		513	1	10

6,927 — 5

August 1763.

To Hircarrahs with the Commander in Chief	—	1,235	—	or
---	---	-------	---	----

1,333 12 9

September 1763.

Hircarrahs attending the Commander in Chief	—	203	2	6
Moonshee for the Commander in Chief	—	150	—	—
		353	2	6
Batta 8 per Cent.		28	4	—

381 6 6

# A P P E N D I X, N<sup>o</sup> 8.

1763.

October 1763.

Hircarrahs attending Major Adams for October	—	832	8	—
Moonfhee and Writer to Major Adams for D <sup>o</sup>	—	150	—	—
Mr. Grant's Bill for Stationary for the Commander in Chief	—	142	8	—
		1,125	—	—
Batta 8 per Cent.		90	—	—

1,215 — —

November 1763.

Major Adams' Table Allowance for the Months of August, September, and October 1763	—	26,642	7	9
Moonfhee and Writer to D <sup>o</sup> for November	—	150	—	—
		26,792	7	9
Batta 8 per Cent.		2,141	9	—

28,934 — —

December 1763.

Major Adams' Budgerow for December	—	198	8	—
Lascars employed with Major Adams	—	33	—	—
Major Adams' Table Allowance for November and December 1763	—	11,346	—	—
		11,577	8	—
Batta 8 per Cent.		926	3	2

12,503 11 2

1764.

March 1764.

Hircarrahs attending the Commander in Chief for March	—	1,007	—	—
Present to Ditto for the Intelligence, &c. in D <sup>o</sup>	—	956	—	—
		1,963	—	—
Batta 8 per Cent.		157	—	—
		2,120	—	—

Major Carnac's Table Allowance for March 1764	—	6,697	—	—
Ditto's Moonfhee D <sup>o</sup>	—	200	—	—
		6,897	—	—
at 8 per Cent.		551	12	1
		7,448	12	1

9,563 12 1

April 1764.

Hircarrahs attending the Commander in Chief	—	1,100	—	—
Present to D <sup>o</sup> for Secret Intelligence, &c.	—	1,360	—	—
Major Carnac's Table Allowance for April	—	8,631	8	—
Moonfhee and Writer for D <sup>o</sup>	—	200	—	—
		11,291	8	—
Batta 8 per Cent.		903	5	6

12,194 13 6

L 1 2

May

# A P P E N D I X, N° 8.

1764.

May 1764.

Pay and Allowance for Hircarrahs attending the Commander in Chief for May 1764	—	—	—	923	—	—
Present to Hircarrahs for Secret Intelligence	—	—	—	1,035	—	—
Major Carnac's Table Allowance for May	—	—	—	7,951	—	—
D's Moonflee, for D	—	—	—	200	—	—

	10,109	12	—
Batta 8 per Cent.	808	12	5

10,918 8 5

July 1764.

Hircarrahs attending the Commander in Chief	—	—	776	—	—
Major Carnac's Table Allowance	—	—	8,153	—	—

	8,929	—	—
Batta 8 per Cent.	714	5	1

9,643 5 1

August 1764.

Hircarrahs attending the Commander in Chief	—	—	880	—	—
Major Munro's Table Allowance	—	—	7,364	8	—

	8,244	8	—
Batta 8 per Cent.	659	8	11

8,904 — —

September 1764.

Hircarrahs attending the Commander in Chief	—	—	1,069	—	—
Secret Intelligence	—	—	153	—	—
Major Munro's Table Allowances	—	—	4,497	8	6

	5,719	8	6
Batta 8 per Cent.	457	9	—

6,177 1 6

October 1764.

Repairing a Garden for the Commander in Chief	—	—	1,437	—	—
Hircarrahs attending the Commander in Chief	—	—	1,174	8	—
Major Munro's Table Allowance	—	—	4,966	14	—

	7,578	6	—
Batta 8 per Cent.	606	4	3

8,184 10 3

November 1764.

Hircarrahs attending the Commander in Chief	—	—	1,145	—	—
---	---	---	-------	---	---

1,236 9 —

December 1764.

Hircarrahs attending the Commander in Chief	—	—	1,202	—	—
Major Munro's Table Allowance	—	—	5,344	—	—

	6,546	—	—
at 8 per Cent.	523	11	2

7,069 15 2

February



# A P P E N D I X, N° 8.

1765.

February 1765.

Hircarrahs attending the Commander in Chief for December			
1764	—	—	683 8 —
D°	D°	D° in January 1765	1,375 — —
D°	D°	D° in February D°	1,275 — —
General Carnac's Table Allowance for January			8,794 — —
			12,127 8 —
Batta 8 per Cent.			970 3 2

13,097 11 2

March 1765.

Major Munro's Bill for Servant's Wages, &c.			
D°	D°	D° in March	700 — —
			445 14 —
			1,145 14 —
Batta 11 per Cent.			91 10 8

1,237 8 8

April 1765.

General Carnac's Table Allowance for February and March			
D°	D°	D° for April	18,292 8 11
			7,698 — —
Pay and Batta to 2 Moonshes and 1 Writer to Major Carnac			1,060 — —
			27,050 8 11
General Carnac's Bill for Way Charges from Patna to Camp			1,051 8 —
			28,102 — 11
Batta 8 per Cent.			2,248 2 7

30,350 3 6

June 1765.

General Carnac's Table Allowances for June			
			7,440 — —

July 1765 and August 1765.

General Carnac's Moonshes in June, July, and August	880	—	—
D <sup>o</sup> s Table Allowance for May and July 1765	14,540	—	—
	<hr/>		
	15,420	—	—
Batta 8 per Cent.	1,233	9	7

16,653 9 7

September 1765.

General Carnac's Table Allowance from 1st of August 1765 to 15th September 1765			
			9,388 — —
D° for 2 Moonshes and a Writer for September			320 — —
			9,708 — —
Batta 8 per Cent.			776 10 2

10,484 10 2

April

# A P P E N D I X, N° 8.

1766.

April 1766.

Paid for carrying the Commander in Chief's Baggage in November and December 1765

773 15 — — or

835 13 7

1767.

July 1767.

Paid for Boat attending the Commander in Chief in May  
Paid for a Budgerow for the Use of the Commander in Chief  
Hircarrahs employed with the Commander in Chief

S<sup>t</sup> R<sup>t</sup>

1,222 — —

500 — —

1,086 — —

2,808 — —

Batta 11 per Cent.

308 14 —

3,116 14 —

1768.

March 1768.

Paid for a Moonfhee for the Commander in Chief

170 — — or

188 11 2

August 1768.

Amount advanced by the Commander in Chief for August

10,000 — —

Amount advanced the Commander in Chief, D° D°

77,700 — —

87,700 — —

October 1768.

Paid for Carpets and Setrenges for the Commander in Chief's Quarters

640 — — or

710 6 4

December 1768.

Allowance to the Commander in Chief for Moonfhee, &c.  
Hircarrahs to D° for November and December

1,350 — —

835 — —

2,185 — —

Batta 11 per Cent.

240 5 7

2,425 5 7

1769.

January 1769.

Moonfhee to the Commander in Chief  
Hircarrahs to D°

270 — —

421 — —

691 — —

Batta 11 per Cent.

76 — .1

767 — 1  
February

# A P P E N D I X, N<sup>o</sup> 8.

1769.

February 1769.

Hircarrahs with the Commander in Chief	—	400	—	—
Moonſhee with D <sup>o</sup>	—	270	—	—
		670	—	—
Batta 11 per Cent.		73	11	2

743 11 2

March 1769.

Lascars employed with the Commander in Chief	—	958	12	—
Boats employed with D <sup>o</sup> for October, November, and December 1768	—	2,611	6	—
Hircarrahs with the Commander in Chief in October 1768	—	330	—	—
		3,899	2	—
Batta 11 per Cent.		428	14	5

4,328 — 5

May 1769.

Four Extra Drivers with the Commander in Chief	—	28	—	—
Hircarrahs with Ditto	—	656	—	—
		684	—	—
Batta 11 per Cent.		75	3	10

759 3 10

June 1769.

Boats with the Commander in Chief	—	1,791	—	—
-----------------------------------	---	-------	---	---

1,988 — 1

September, 1769.

Hircarrahs with the Commander in Chief in July and August	—	708	—	—
---	---	-----	---	---

785 14 —

December 1769.

Paid for Three Budgerows Hire in the Month of November and December, for the Use of the Commander in Chief	—	900	—	—
Paid Mangies Dandies Wages, Lascars, Beesties, &c. employed with the Commander in Chief for December	—	378	—	—
		1,278	—	—
Batta 11 per Cent.		140	9	3

1,418 9 3

1770.

May 1770.

Hircarrahs employed with the Commander in Chief	—	334	—	—
Paid for a Book-case for the Use of the Commander in Chief	—	300	—	—
		634	—	—
Batta 11 per Cent.		69	11	10

703 11 10

June 1770.

Amount advanced, to the General Sir Robert Barker	—	20,000	—	—
Hircarrahs with the General, 290	—	321	14	4

20,321 14 4  
July

M m 2

# A P P E N D I X, N° 8.

1770.

July 1770.

Hircarrahs with the Commander in Chief	—	300 — —	or	333 — —
--	---	---------	----	---------

October 1770.

Hackary Hire for the General's Use	—	80 — —		
Paid for 2 Chests of Stationary for the Use of the Commander in Chief	—	799 — —		
Paid General Sir Robert Barker for Table Expences as Commander in Chief, from 1st of December 1769 to 30th of June 1770, at a Medium of 5,000 Rupees per Month	—	35,000 — —		
Paid D° for Secret Intelligence from 1st December 1769 to 30th June 1770	—	3,000 — —		
Paid for Dawk Hircarrahs, &c. employed with the Commander in Chief in July, August, September, and October	—	406 — —		
		39,285 — —		
Batta 11 per Cent.		4,321 5 7		43,606 5 7

November 1770.

Paid for Writer, Stationary, and Candles, for the Use of the Commander in Chief, for October and November 1770	—	520 — —		
Paid Sir Robert Barker, General, for Expences incurred for Secret Intelligence received	—	2,000 — —		
		2,500 — —		
Batta 11 per Cent.		277 3 2		2,797 3 2

December 1770.

Paid Sir Robert Barker's Table Expences as Commander in Chief, from 1st July to 31st December, at a Medium of 5,000 Rupees per Month	—	30,000 — —	or	33,000 — —
--	---	------------	----	------------

1771.

March 1771.

Paid for 1 Jemmedar, 8 Beesties, and 4 Gurrymen, employed with the Commander in Chief	—	100 — —	or	111 — —
---	---	---------	----	---------

April 1771.

Paid for Hircarrahs employed with the Commander in Chief for February, March, and April 1771	—	345 — —		
Paid for 1 Jemmedar, 12 Beesties, and 4 Gurrymen, with the Commander in Chief in April	—	106 — —		
Paid for Hackerries, Coolies, Bullocks, &c. employed for the Use of the Commander in Chief	—	2,024 — —		
Paid for Hircarrahs employed with the Commander in Chief	—	330 — —		
		2,805 — —		
Batta 11 per Cent.		308 8 9		3,113 8 9

May

# A P P E N D I X, N° 8.

1771.

May 1771.

Paid for Dawk Hircarrahs employed with the Commander in Chief	115	—	—
Paid for extraordinary Pay to Dawk Hircarrahs employed with the Commander in Chief	60	—	—
Paid for Hircarrahs with the Commander in Chief	330	—	—
	505	—	—
Batta 11 per Cent.	55	8	9

560 8 9

June 1771.

Paid for extraordinary Pay to Dawk Hircarrahs employed without the Provinces with the Commander in Chief	20	—	—
D° D° for Dawk Hircarrahs D°	115	—	—
D° D° for Beesties and Gurrymen employed	136	—	—
D° D° for Wax Cloth for the Dawks	12	—	—
Paid for Hircarrahs employed with the Commander in Chief	330	—	—
	613	—	—
Batta 11 per Cent.	67	6	10

680 6 10

July 1771.

Paid for Dawk Hircarrahs employed with the Commander in Chief	145	—	—
Paid for Hircarrahs employed with the Commander in Chief	330	—	—
D° D° for Beesties and Gurrymen D°	136	—	—
D° D° for Wax Cloth for Dawks	12	—	—
	623	—	—
Batta 11 per Cent.	68	8	5

691 8 5

August 1771.

Pay to Lascars with the Commander in Chief in July 1771	78	—	—
Pay to those Artificers employed by the Commander in Chief, in July	50	—	—
	128	—	—
Batta 11 per Cent.	14	1	3

142 1 3

September 1771.

Paid for Coolies and Sweepers, Hackeries, &c. employed with the Commander in Chief in May, June, July, August, and September 1771	4,022	1	—
Paid for Dawk Hircarrahs employed with the Commander in Chief in August and September	288	—	—
D° for Hircarrahs employed with the Commander in Chief in August and September	750	—	—
D° for Beesties and Gurrymen in August and September 1771	236	—	—
D° for extra Hircarrahs in April, May, June, and July	207	—	—
D° for Wax Cloth, Paper, Twine, Sealing Wax, and for the Dawk in August and September	24	—	—
	5,527	1	—
Batta 11 per Cent.	607	15	7

6,135 — 7

October

# A P P E N D I X, N° 8.

1771.

October 1771.

Paid for Hircarrahs employed with the Commander in Chief -	293	—	—
D° for Dawk Hircarrahs D°	—	—	115
D° for Beesties and Gurrymen D°	—	—	100
Paid for Wax Cloth, Twine, &c. for the Dawks with the Commander in Chief	—	—	12
Paid for a lined Marqué for the Use of the Commander in Chief's Family	—	—	500
			1,020
Batta 11 per Cent.	112	3	2

1,132 3 2

November 1771.

Paid for a Chest of Stationary supplied for the Use of the Commander in Chief	—	—	600
Paid for refitting Quarters for the Commander in Chief's Office, in June	—	—	737 9 2
D° for Oil, Charcoal, &c. in D°	—	—	43 14
			1,381 7 2
At 11 per Cent.	151	15	4

1,533 6 6

1772.

March 1772.

Paid for Sweepers employed with General Sir Robert Barker, from 1st September 1771 to 31st March 1772	—	—	139 8
Paid for Coolies, Hackeries, Camels, and Bullocks, employed with General Sir Robert Barker in February and March 1772	—	—	1,475 13
D° for Cooley Hire for D° D°, in February and March	—	—	2,067 2 8
Paid for private Hircarrahs with the Commander in Chief, in January, February, and March 1772	—	—	769 8
D° for Dawk Hircarrahs, D° D° D° D°	—	—	345
D° for Stationary for the Dawk in D° D°	—	—	36
			11,832 15 8
At 11 per Cent.	1,301	10	—

13,134 9 8

April 1772.

Paid Sir Robert Barker, his Bill for his Salary as Commander in Chief, from the 1st of December 1769 to the 1st of December 1771 — AR' 12,000 or CR'	12,960	—	—
Paid Sir Robert Barker his Bill for his Salary as Commander in Chief, from 1st December 1769 to 1st of December 1771, at £.750 per Annum	11,675	10	9
Paid General Sir Robert Barker for his Table Allowance, &c. from 1st of January 1771 to 31st December following, Sonaut Rupees 60,000	66,600	—	—
Paid for Dawk Hircarrahs with the Commander in Chief	—	—	995
D° for Charges incurred on Account of the Commander in Chief's Equipage, in April, May, June, and July 1771	1,524	8	—
D° for Coolies and Hackeries with the Commander in Chief	—	—	1,374

SEL. COM. REP. V.

N n

April



# A P P E N D I X, N° 8.

1772.

Paid Lieutenant Nichols for refitting the Commander in Chief's Quarters at Allahabad in December 1771

	822	12	3
At 11 per Cent.	4,676	4	3
	514	6	3
	5,190	10	6

96,426 5 3

May 1772.

Paid for Coolies employed as Lascars at Head Quarters, and Hackeries Hire, &c. employed with the Commander in Chief in April and May 1772

Paid for Cooley Hire, Bangy Wallacks, employed with the Commander in Chief

Ditto for public and private Hircarrahs employed with the Commander in Chief

	636	—	—
	728	—	—
	415	—	—
At 11 per Cent.	1,779	—	—
	195	11	—

1,974 11 —

July 1772.

Paid Quarter Master Nichols for repairing the Commander in Chief's Quarters, in January and February 1772

	1,968	1	1
--	-------	---	---

2,184 8 10

August 1772.

General Sir Robert Barker's Table Expences as Commander in Chief for January, February, March, April, May, and June 1772, at 5,000 per Month

Paid for Secret Intelligence, Rewards, &c. from 1st January to 30th June 1772

Paid for private Hircarrahs with the Commander in Chief in July and August

	30,000	—	—
	8,000	—	—
	544	—	—
At 11 per Cent.	38,544	—	—
	4,239	13	5

42,783 13 5

September 1772.

Paid for Dawk Hircarrahs with the Commander in Chief in July and August

Ditto for Wax Cloth, and for Beesties and Gurrymen, Twine, Sealing Wax, in July and August

Paid for Coolies, Hackeries, Banghy Wallacks, &c. employed for the Service of the Commander in Chief in June, July, and August

	230	—	—
	295	—	—
	1,733	—	6
At 11 per Cent.	2,259	—	6
	248	7	10

2,507 8 4

October 1772.

Paid for Private Dawk Hircarrahs with the Commander in Chief

	325	—	—
--	-----	---	---

360 12 —

N n 2

November

# A P P E N D I X, N° 8.

1772.

November 1772.

Paid for building Bungalow for the Use of the Commander in Chief  
and his Family, at Shabad — — 1,173 13 3 — or

1,302 15 2

December 1772.

Paid Commander in Chief's Bill for Secret Intelligence, from 1st of July  
to 31st December 1772 — — — 5,000 — —  
General Sir Robert Barker, as Commander in Chief of  
the Honourable Company's Forces in Bengal under  
the Presidency of Fort William, from July to  
31st December 1772 — — — 30,000 — —

At 11 per Cent.

35,000 — —  
3,850 — —

38,850 — —

1773.

January 1773.

Paid for Window Glasses furnished the General's House at Dinapore, by  
Order of General Sir Robert Barker, in the Year 1770 - 911 13 4 — or

1,012 2 1

1774.

January 1774.

Paid Colonel Chapman, as Commander in Chief, his Table Allowance,  
for this Month — — — 5,000 — —  
Paid for Hircarrahs and Gurrymen employed with the  
Commander in Chief in October and November 1773 548 — —  
Paid General Sir Robert Barker, Commander in Chief  
of the Forces, for Table Allowance in July, August,  
September, October, November, and December 1773,  
at 5,000 per Month — — — 30,000 — —  
Paid for Secret Intelligence — — — 3,000 — —  
Paid Captain Cockerell's Bill for Bearers furnished the  
Commander in Chief — — — 141 5 —

At 11 per Cent.

38,689 5 —  
4,255 13 2

42,945 2 2

February 1774.

Paid Table Allowance to the Commander in Chief — 5,000 — —

5,550 — —

March 1774.

Paid Table Allowance to the Commander in Chief — 5,000 — —

5,550 — —

April 1774.

D° D° D° — — — 5,000 — —

5,550 — —

May

# A P P E N D I X, N° 8.

1774.

May 1774.

Allowance of Table to the Commander in Chief	—	5,000	—	—
For Stores supplied to the Commander in Chief	—	100	—	—
		<u>5,100</u>	—	—
S <sup>r</sup> R <sup>r</sup> .		5,100	—	or

5,661 — —

June 1774.

Allowance of Table to the Commander in Chief	—	5,000	—	—
		<u>5,000</u>	—	or

5,550 — —

July 1774.

Table Allowance to the Commander in Chief	—	5,000	—	—
Paid for Writer, Stationary, and Candles, for the Use of the Commander in Chief's Office, in February and March	—	—	—	500
Paid for 1 Serang, 2 Tindals, and 34 Lascars, with the Commander in Chief for February, March, April, May, and June 1774	—	—	—	1,409
Paid for 6 Tents for the Commander in Chief's Family, at 275 each	—	—	—	1,650
Paid for 1 D <sup>o</sup> , for the D <sup>o</sup> 's Office	—	—	—	215
		<u>8,794</u>	—	—
At 11 per Cent.		967	5	5

9,761 5 5

August 1774.

Paid for Lascars with Commander in Chief	—	558	—	—
D <sup>o</sup> for Artificers and Coolies, with D <sup>o</sup>	—	—	2,030	8 11
D <sup>o</sup> to 2 Quarter Master Serjeants and 3 Camp Colourmen, employed with the Commander in Chief	—	—	138	—
		<u>3,726</u>	8	11
At 11 per Cent.		409	14	8

4,136 7 7

September 1774.

Pay to Artificers employed with the Commander in Chief	37	—	—	or
	<u>37</u>	—	—	

41 1 1

December 1774.

Commander in Chief's Salary for 11 Months, at 6,000 per Year	—	—	5,500	—
Table Allowance to the Commander in Chief, for September, October, November, and December	—	20,000	—	—
Pay to those Artificers with the Commander in Chief in October	—	—	279	—
Paid for Dawk Expences out of the Provinces with the Commander in Chief, in June, July, August, September, and October 1774	—	—	14,065	—
		<u>39,844</u>	—	—
At 11 per Cent.		4,382	13	5

44,236 13 5

1775.

May 1775.

Allowance to General Clavering as Commander in Chief of the Forces from the 1 <sup>st</sup> September 1774, to the 31 <sup>st</sup> May at £. 6,000 per Annum, Exchange at 2s. per Current Rupee	—	—	—
--	---	---	---

41,666 10 6  
June

# A P P E N D I X, N<sup>o</sup> 8.

June 1775.

1775.	Allowance to General Clavering, as Commander in Chief, for June	—	5,000	—	—
	July 1775. Allowance to Gen <sup>l</sup> Clavering, as Commander in Chief, for July	—	5,000	—	—
	August. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for Aug <sup>t</sup>	—	5,000	—	—
	September. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for Sept <sup>r</sup>	—	5,000	—	—
	October. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for October	—	5,000	—	—
	November. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for Nov <sup>r</sup>	—	5,000	—	—
	December. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for Dec <sup>r</sup>	—	5,000	—	—
1776.	January 1776. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for January	—	5,000	—	—
	February. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for February	—	5,000	—	—
	March. D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> for March	—	5,000	—	—

April 1776.

Allowance to General Clavering, as Commander in Chief, for April — — — — 5,000 — —

Table Allowance to Colonel Stibbert, as Commander in the Field, from 6th November 1775 to the End of January 1776 — — — 14,000 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, for February, March, and April — — — 15,000 — —

29,000 — —

Paid Colonel Stibbert on Account of Secret Intelligence of the Commander in Chief in the Field, in January — — — 1,975 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in February — — — 2,000 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in March — — — 2,250 — —  
 D<sup>o</sup> D<sup>o</sup>, for Budgerows and Boats employed for the Service in the Field in January — — — 850 — —  
 D<sup>o</sup> D<sup>o</sup>, for D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, February — — — 850 — —  
 D<sup>o</sup> D<sup>o</sup>, for D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, March — — — 1,073 — —  
 D<sup>o</sup> D<sup>o</sup>, for Coolies, Sweepers, and Gurrymen, in the Service of the Commander in Chief in the Field in January — — — 450 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in February — — — 480 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in March — — — 650 — —  
 D<sup>o</sup> D<sup>o</sup>, for Writers and Stationary for the Service of the Commander in Chief in the Field, in January — — — 350 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, February — — — 300 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, March — — — 310 — —  
 D<sup>o</sup> for Lascars employed in the Service of the Commander in Chief in the Field, in January — — — 279 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in February — — — 279 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in March — — — 317 — —  
 D<sup>o</sup> Pay to Hircarrahs in the Field, in January — — — 459 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in February — — — 479 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in March — — — 510 — —  
 D<sup>o</sup> Charges for Hircarrahs for the Service of the Commander in Chief in the Field, in January — — — 150 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in February — — — 150 — —  
 D<sup>o</sup> D<sup>o</sup> D<sup>o</sup> D<sup>o</sup>, in March — — — 186 — —

# A P P E N D I X, N° 8.

1776.	Paid Colonel Stibbert for Moonstee's and Sircar's Wages, &c. in the Service of the Commander in Chief in the Field, in January	—	—	350	—	—	
	D° D° D° D°, in February	—	—	350	—	—	
	D° D° D° D°, in March	—	—	375	—	—	
	D° Pay to Beesties, for the Services of the Commander in Chief in the Field, in January	—	—	150	—	—	
	D° D° D° D°, in February	—	—	150	—	—	
	D° D° D° D°, in March	—	—	168	—	—	
				44,890	—	—	
	At 11 per Cent.	—	—	4,937	14	4	
					49,827	14	4
							54,827 14 4
	May 1776.						
	Salary to General Clavering for May	—	—	—	—	—	5,000 — —
	June 1776.						
	Salary to General Clavering as Commander in Chief	—	CR°	5,000	—	—	
	Paid General Stibbert, for Secret Intelligence for April and May	—	—	2,666	2	8	
	At 11 per Cent.	—	—	293	4	5	
					2,959	7	1
							7,959 7 1
	July 1776.						
	Salary to General Clavering for July	—	CR°	5,000	—	—	
	Table Allowance to Colonel Stibbert, as Commander in the Field	—	—	5,000	—	—	
					or 5,550	—	
							10,550 — —
	August 1776.						
	Salary to General Clavering, for August	—	CR°	5,000	—	—	
	Table Allowance to Colonel Stibbert, as Commander in the Field, for August	—	—	5,000	—	—	
					or 5,550	—	
							10,550 — —
	September 1776.						
	Salary to General Clavering, for September	—	CR°	5,000	—	—	
	Table Allowance to Colonel Stibbert, as Commander in the Field, for May and June	—	—	10,000	—	—	
	Secret Intelligence allowed by the Board of Inspection, for June, July, and August	—	—	3,999	4	—	
				13,999	4	—	
	At 11 per Cent.	—	—	1,539	14	8	
					15,539	2	8
							20,589 2 8
	October 1776.						
	Salary to General Clavering, for October	—	CR°	5,000	—	—	
	Table Allowance to Colonel Stibbert	—	—	5,000	—	—	
					or 5,550	—	
							10,550 — —
	November						

# A P P E N D I X, N<sup>o</sup> 8.

1776.

November 1776.

Salary to General Clavering, for November	—	CR <sup>a</sup>	5,000	—	—
Table Allowance to Colonel Stibbert	5,000	—	—	or	5,550
					10,550

December 1776.

Salary to General Clavering, for December	—	CR <sup>a</sup>	5,000	—	—
Table Allowance to Colonel Stibbert	5,000	—	—	—	—
Paid Colonel Stibbert's Contingencies incurred on Account of Bearers for his Conveyance from Mirzapore to Belgram, by Order of the Board, 25th April	—	—	4,756	9	3
			9,756	9	3
Allowance to D <sup>o</sup> for Secret Intelligence	—	—	1,333	1	4
			11,089	10	7
At 11 per Cent.	—	—	1,219	13	9
			12,309	8	4
					17,309 8

January 1777.

1777. General Clavering's Salary for January	—	Current Rupees	5,000	—	—
Table Expence to Colonel Stibbert, for D <sup>o</sup>	5,000	—	—	—	—
Secret Intelligence to D <sup>o</sup> for D <sup>o</sup>	—	—	1,333	1	4
			6,333	1	4
At 11 per Cent.	—	—	696	10	2
			7,029	11	6
					12,029 11 6

February 1777.

General Clavering's Salary for February	—	CR <sup>a</sup>	5,000	—	—
Table Allowance to Colonel Stibbert, for D <sup>o</sup>	—	—	5,000	—	—
Paid D <sup>o</sup> , for Secret Intelligence	—	—	1,333	1	4
			6,333	1	4
At 11 per Cent.	—	—	696	10	2
			7,029	11	6
					12,029 11 6

March 1777.

General Clavering's Salary for March	—	CR <sup>a</sup>	5,000	—	—
Table Allowance to Colonel Stibbert	5,000	—	—	—	—
Paid D <sup>o</sup> for Secret Intelligence	—	—	1,333	1	4
			6,333	1	4
At 11 per Cent.	—	—	696	10	2
			7,029	11	6
					12,029 11 6

April 1777.

General Clavering's Salary for April	—	CR <sup>a</sup>	5,000	—	—
Table Expence to Colonel Stibbert	5,000	—	—	—	—
Paid D <sup>o</sup> , for Secret Intelligence	—	—	1,333	1	4
			6,333	1	4
At 11 per Cent.	—	—	696	10	2
			7,029	11	6
					12,029 11 6



# A P P E N D I X, N° 8.

1777.

May 1777.

General Clavering's Salary for May	—	CR <sup>s</sup>	5,000	—	—
Table Expences to Colonel Stibbert, D <sup>o</sup>	5,000	—	—	—	—
Paid D <sup>o</sup> , for Secret Intelligence	—	1,333	1	4	—
		6,333	1	4	—
At 11 per Cent.	—	696	10	2	—
		7,029	11	6	—

12,029 11 6

June 1777.

General Clavering's Salary for June.	—	CR <sup>s</sup>	5,000	—	—
Table Expences to Colonel Stibbert	5,000	—	—	—	—
Paid D <sup>o</sup> , Secret Intelligence	—	1,333	1	4	—
		6,333	1	4	—
At 11 per Cent.	—	696	10	2	—
		7,029	11	6	—

12,029 11 6

July 1777.

General Clavering's Salary for July	—	—	CR <sup>s</sup>	5,000	—
Table Allowance to Colonel Subbert	5,000	—	—	—	—
Paid D <sup>o</sup> Secret Intelligence	—	1,333	1	4	—
		6,333	1	4	—
At 11 per Cent.	—	696	10	2	—
		7,029	11	6	—

12,029 11 6

August 1777.

General Clavering's Salary for August	—	—	CR <sup>s</sup>	5,000	—
Table Allowance to Colonel Stibbert	5,000	—	—	—	—
Paid Secret Intelligence	—	1,333	1	4	—
		6,333	1	4	—
At 11 per Cent.	—	696	10	2	—
		7,029	11	6	—

12,029 11 6

September 1777.

General Clavering's Salary for September	—	—	CR <sup>s</sup>	5,000	—
Colonel Stibbert's Table Allowance	5,000	—	—	—	—
D <sup>o</sup> Secret Intelligence	—	1,333	1	4	—
		6,333	1	4	—
At 11 per Cent.	—	696	10	2	—
		7,029	11	6	—

12,029 11 6

October 1777.

General Stibbert's Table Allowance for October	—	—	—	5,000	—
D <sup>o</sup> Secret Intelligence	—	—	—	1,333	1
				6,333	1
				696	10
At 11 per Cent.	—	—	—	7,029	11
				6	—

7,029 11 6

November

# A P P E N D I X, N° 8.

1777.

November 1777.

General Stibbert's Table Allowance for November	—	5,000	—	—
D° Secret Intelligence	—	1,333	1	4
		6,333	1	4
At 11 per Cent.		696	10	2

7,029 11 6

December 1777.

General Stibbert's Table Allowance for December	—	5,000	—	—
D° Secret Intelligence	—	1,333	1	4
		6,333	1	4
At 11 per Cent.		696	10	2

7,029 11 6

1778.

April 1778.

Pay to Brigadier General Stibbert for January	—	310	—	—
Table Allowance to D° for D°	—	5,000	—	—
Allowance to D° for Secret Intelligence	—	1,333	1	4
		6,643	1	4
At 11 per Cent.		730	11	9

7,373 13 1

July 1778.

Commander in Chief's Contingent Charges, from September 1777 to December	—	12,000	—	—
D° from January to June 1778	—	18,000	—	—
D° Difference of Pay between Colonel and Brigadier General, from September to December 1777	—	729	4	5
D° D°, from January to May 1778	—	922	6	10
D° Salary for June 1778	—	486	7	9
D° Secret Intelligence for May	—	1,333	—	—
D° D° for June	—	1,333	—	—
		34,804	3	—
At 11 per Cent.		3,828	7	4

38,632 11 4

September 1778.

Table Allowance to General Stibbert for July and August	10,000	—	—	—
Contingencies to General Stibbert for July and August	6,000	—	—	—
Paid General Stibbert's Charges for July and August	2,666	2	8	—
	18,666	2	8	—
At 11 per Cent.	2,053	4	5	—

20,719 7 1

October 1778.

Table Allowance to General Stibbert for September	—	5,000	—	—
		5,550	—	—
Total Current R'		11,913	99	15 10

Fort William,  
the 8th May 1779.

Errors excepted,  
(Signed) W<sup>m</sup> Pawson,  
M<sup>r</sup> P<sup>r</sup> M<sup>r</sup> Gen<sup>l</sup>.

SEL. COM. REF. V.

P p

Governor

# A P P E N D I X, N<sup>o</sup> 8.

Governor General—This Account is evidently false throughout; not one of the Articles of Ex-  
pence, which were enumerated in the Order to the Military Paymaster General, being fully inserted in  
it, or following in each Month's Expences, and many of them totally omitted. Many Months Ex-  
pence were wholly omitted, and Advances which were made to the Commanders in Chief inserted as  
Articles of Expence; as for Instance, in the Account of August 1768 the Sum of 87,700 Rupees  
is set down as advanced to the Commander in Chief. I have selected the Period which I suppose to  
include the Expences of General Smith when he was Commander in Chief, which begin with the Month  
of July 1767, and end with the Month of December 1769. If the Expences of his Command,  
which ceased on the 14th November 1769, extended to that Period, the whole Amount set down to  
his Account by the Military Paymaster General is no more than Rupees 94,032. 10. 5. from which  
if the Sum of 87,700 Rupees be deducted, which is an Advance and not an Expence, the whole  
Sum of the Expences of the Commander in Chief during the Period of 28 Months was only  
6,332. 10. 5. or about 226 Rupees per Month. As a further Proof of the Falsity of this Account,  
I beg Leave to insert in this Place an Account Current, delivered in by General Smith himself in  
Consultation the 14th of November 1769; in which he states Advances made to him by the Pay-  
master of the Second Brigade, exclusive of his Drafts, amounting to 3,60,000 Rupees, and Dis-  
bursements amounting to 3,46,104. 10. 6. none of which appear in the Paymaster General's Ac-  
count. I will not waste Time with further Comments on such a Performance: It would be an Ab-  
surdity to send it back for Correction. I shall forbear at this Time to take any further Notice of  
the Conduct of the Paymaster General in this Instance; but since he has shewn either such an Un-  
willingness or Incapacity to execute the Orders of the Board, I move, That Mr. Carmichael his De-  
puty be ordered to prepare the Account: And to prevent further Mistakes, I move, That in Addi-  
tion to the Orders, he be required to add the Amount of Profits received by the Commanders in  
Chief from the Monopoly of Salt, and Commission on the Revenues; the former may be obtained  
from Mr. Killican, and the latter from the Accomptant General: And that he be likewise directed to  
specify the Period of each Commander in Chief's Expences, mentioning them by Name.

Extract Consultation, the 14th November 1769.

General Smith delivers in an Account of his Expences since he has had the Command of the Army.  
Ordered, That the Account be entered after the Consultation; and that the Military Paymaster  
General pay the Balance.

(Signed) W. Bruere,  
Act<sup>y</sup> Sec<sup>y</sup>.

## The Honourable Company D<sup>r</sup>.

1766.									
Octob <sup>r</sup> .	Nazir to the King	—	—	—	—	—	—	816	—
1767.									
April.	To Maharaza Bulwand Sing,								
	An Elephant	—	—	—	—	3,000	—		
	Serpeach and Drefs	—	—	—	—	1,000	—		
								4,000	—
May.	Nazirs to the King for myself and Suite,							1,280	—
	To the Nabob Vizier Sujah ul Dowla at Allahebad,								
	5 Horses	—	—	—	—	3,000	—		
	An Elephant	—	—	—	—	3,000	—		
	9 Trays of Kincobs, Gold Cloths, Shauls, &c.	—	—	—	—	2,400	—		
	A Culze and Serpeach	—	—	—	—	2,500	—		
								10,900	—
June.	The Shah Zada, or King's Son, on his paying me a Vifit,								
	Nazirs	—	—	—	—	336	—		
	5 Horses	—	—	—	—	2,800	—		
	9 Trays of Kincobs, Gold Cloth, &c.	—	—	—	—	2,400	—		
	A Culze and Serpeach	—	—	—	—	1,800	—		
								7,336	—
July.	Presents to his Majesty Shah Allum, on his honouring me with a Vifit,								
	Nazirs	—	—	—	—	1,616	—		
	A rich Medical Clock	—	—	—	—	1,944	—		
	7 Horses	—	—	—	—	3,900	—		
	An Elephant	—	—	—	—	3,000	—		

# A P P E N D I X, N° 8.

1767.	11 Trays of Kincob, Gold and Silver Cloths, Shauls, &c.	—	—	2,945	—	—	
	A Culze of Serpeach	—	—	2,700	—	—	
	Nazir to the King at the Coronation Feast	—	—				16,105 — —
	Ditto, on the Birth of a Prince	—	—				816 — —
							336 — —
1768.	To Presents to the Nabob Vizier on my visiting him at Fyzabad,						
Jan.	An Elephant	—	—	3,000	—	—	
	5 Horses	—	—	3,500	—	—	
	Embroidered Sumpter Cloths, Gilt Bridles, Saddles, and Furniture	—	—	2,000	—	—	
	A rich Musical Clock	—	—	1,944	—	—	
	9 Trays of Kincobs, Gold and Silver Cloths, Shauls, and fine Muslins	—	—	2,600	—	—	
	A Culze and Serpeach	—	—	2,200	—	—	
							15,244 — —
	Ditto to the Vizier's Son Nabob Mirza Amany,						
	5 Trays of Kincobs, Gold Cloths, Shauls, &c.	—	—	1,370	—	—	
	Fuzees, Pistols, Gloves, Velvets, Pictures, &c.	—	—	2,000	—	—	
							3,370 — —
Feb <sup>r</sup> .	Ditto to the Nabob Munere ul Dowla,						
	5 Trays of Kincob, &c.	—	—	1,145	—	—	
	A Culze and Serpeach	—	—	1,000	—	—	
							2,145 — —
	Ditto to the Nabob Nudjif Cawn, Mha Rajah Aget Sing, the Sons of Munere ul Dowlah and Sittab Roy, and to the Son of Nabob Afez Rhemur, one of the Rohilla Chiefs	—	—				3,975 — —
Decr.	Nazir to the King for Self and Suite	—	—				816 — —
	5 Trays Kincobs, Shauls, &c.	—	—	1,256	—	—	
	A Culze and Serpeach	—	—	1,000	—	—	
							2,256 — —
	Nazirs to the King for Self and Suite, Shah Zadah, on his paying me a Visit,						
	Nazir	—	—	255	—	—	
	5 Trays of Kincobs, Shauls, &c.	—	—	1,660	—	—	
	3 Horses	—	—	1,500	—	—	
	Fire Arms, Pictures, &c.	—	—	744	—	—	
							4,159 — —
1769.	Nazir to Nabob Mogul Allee, Brother to Nizam Allee, Subah of the Decan,						
	5 Trays of Shauls, Kincobs, &c.	—	—	1,350	—	—	
	Fuzee and Pistols	—	—	300	—	—	
							1,650 — —
	Ditto to Nabob Nudjif Cawn,						
	5 Trays of Shauls, Kincobs, &c.	—	—	1,280	—	—	
	Fuzee and Pistols	—	—	300	—	—	
							1,580 — —
	Nazir to the King on the Feast of the Ede	—	—				816 — —
	Present to the Nabob Vizier Sujah ul Dowla,						
	9 Trays of Kincobs, Shauls, and Gold Cloths	—	—	2,600	—	—	
	A Culze and Serpeach	—	—	2,000	—	—	
	An Elephant	—	—	3,000	—	—	
							7,600 — —
							Presents

# A P P E N D I X, N° 8.

1769.

March. Presents to the Nabob Munere ul Dowla,

2 large Luftres	—	—	800	—	—
4 Pieces of Embroidered Silk	—	—	1,320	—	—
1 Piece of Europe Silver Tissue	—	—	475	—	—
Pictures and Prints	—	—	400	—	—

2,995 — —

April. To Nazir to the King on the Feast of Narose

816 — —

Presents to Mhah Rajah Aget Sing,

A Horse	—	—	700	—	—
Fuzee and Pistols	—	—	450	—	—
Serpeach	—	—	500	—	—

3,650 — —

June. To Presents to the Nabob Ahmet Cawn Bungift, Chief of the Pattan Tribe,

Europe Broad Cloth	—	—	975	—	—
Fuzees, Pistols, and Telescopes	—	—	610	—	—

1,585 — —

D° to Mha Rajah Bulwand Sing,

A Dress and Serpeach	—	—	—	—	—
----------------------	---	---	---	---	---

970 — —

D° to the Sons of Munere ul Dowla and Sittab Roy, &c. of Cloths, Shauls, &c.

850 — —

D° to Mahraza Bulwand Sing,

A Dress and Serpeach	—	—	—	—	—
A State Palankeen	—	—	—	—	—
A State Howdah for an Elephant	—	—	—	—	—

990 — —

4,000 — —

3,950 — —

Durbar Charges, including Presents to the Vackeels, to the King's Household Servants, to the Servants of the Vizier, and other Omrahs, and the Expences of my Decan, at 600 Rupees per Month, 36 Months, from the 1st September 1766 to the 1st September 1769.

21,600 — —

S<sup>t</sup> R<sup>t</sup>

1,24,606 — —

Calcutta,  
the 11th Sept<sup>r</sup>. 1769.

The Honourable Company D<sup>r</sup>.

Total Expences during my Command of the Army, and as Commander in Chief, from the 1st of August 1769, at a Medium amounting to 5,200 Rupees per Month, 36 Months

S<sup>t</sup> R<sup>t</sup>

1,87,200 — —

the 11th September 1769.

Errors excepted,  
(Signed)

Richard Smith.

Statement

# \* A P P E N D I X, N° 8.

## Statement of Cash received and due from the Honourable Company.

To Disbursements, as per Bill delivered to the Board — S <sup>t</sup> R <sup>a</sup> 3,11,806 — —			1767.		
	Batta — 34,298 10 6		Dec.	By Cash received from the Paymaster of the Second Brigade 55,500 — —	
			1768.		
			Jan.	D° D° D° — —	55,500 — —
			Sept.	D° D° D° — —	77,500 — —
			1769.		
			July	D° D° D° — —	70,000 — —
			Octob.	D° D° D° — —	51,300 — —
					3,10,000 — —
				Balance —	36,104 10 6
CR <sup>a</sup> 3,46,104 10 6				CR <sup>a</sup> 3,46,104 10 6	

(Signed) Richard Smith.

The Governor General's Motions being agreed to,  
 Resolved, That Mr. Carmichael, the Deputy of the Military Paymaster General, be ordered to prepare the Account required; that he be also directed to add the Amount of Profits received by the Commanders in Chief from the Monopoly of Salt, and Commission on the Revenues; and to specify the Period of each Commander in Chief's Expences, mentioning them by Name.

Extract of the Proceedings of the Board of Inspection at Fort William in Bengal, the 17th June 1779.

The following Letter from the Deputy Military Paymaster General, with the Accounts prepared by him of the Allowances and contingent Charges drawn by the different Commanders in Chief, from the Year 1763 to the Commencement of Brigadier General Stibbert's Command, having been sent in Circulation to the Members of the Board, with the Opinion recorded by the Governor General on the 20th of last Month, the Minutes delivered thereon are accordingly entered.

To the Honourable Warren Hastings, Esquire, Governor General, &c. Gentlemen of the Board of Inspection.

Honourable Sir, and Sirs,

In Obedience to the Orders of the Board, signified to me by your Secretary's Letter of the 20th, and received by me the 22d Instant, I have the Pleasure to inclose herewith a general Abstract of the Allowances drawn, and Expences incurred, by the several Commanders in Chief, from the 1st May 1763 to the 1st September 1777, when the Command devolved to Brigadier General Stibbert, by the Decease of Sir John Clavering; also Abstracts containing the particular Expences of each, as extracted from the Military Paymaster General's Books, with an Account of the Commission upon the Revenues as drawn by them from the first Institution of that Fund to the Period above-mentioned; with Abstracts of the Profits which arose to General Carnac from his Share, as Commander in Chief, in the Monopoly of Salt, as furnished me by Mr. Killican, Accomptant of that Concern.

I must remark, that from the vague Manner in which the Disbursements of the Army were entered in the Military Books previous to the Year 1766, many Charges must have undoubtedly escaped my Observation, from not having the particular Service for which they were incurred specified by the Paymasters in their Entries; and as the Commissaries of Boats who proceeded Mr. Cobham, have not distinguished those employed by the Commander in Chief, it is impossible to ascertain the Expence of that Article before the Month of February 1771; nor has the Contractor for Elephants, Camels, and Bullocks, throughout the whole Time for which the Account is compiled, ever made a particular Charge for those attendant upon the Commander in Chief, though it is well known that a large Complement was always allotted for his Service.

The Honourable Board will observe, that in the Abstracts N° 1, 3, 4, and 6, though I have made Estimates of the Pay and Batta to Majors Adams, Carnac, and Munro, and to Brigadier General Carnac (which does not appear to have been received by them separately, but which I suppose



## A P P E N D I X, N<sup>o</sup> 8.

pose they have drawn in the Rolls of their respective Corps) yet I have not included the Amount thereof, being Current Rupees 52,768. 12. 8. in the General Abstract.—The Sums of Current Rupees 86,032. 12. 3. and Current Rupees 3,46,104. 10. 6. distinguished in the Abstract of General Smith's Expences by an Asterisk, besides other Charges, contain many Articles presented to different Princes as Nazirs: Whether they ought or ought not to be considered as foreign to this Account, the Honourable Board will judge. The Bill of Exchange for Current Rupees 1,00,000, drawn by Sir Robert Barker in favour of Soujah Dowla, was placed by the Military Paymaster General to the Debit of the Commander in Chief in September 1771. The Books of that Year not being found, I am at a Loss to know in what Manner it was balanced, and have therefore inserted it without Particulars.

The Board will take Notice, that from the 15th September 1765 to 27th January 1767, no Charge appears for the Commander in Chief; Lord Clive being Governor as well as Commander in Chief, most probably drew his Allowances from the Buxey.

Before I conclude, it may be proper to observe, that previous to Brigadier General Stibbert's coming to the Command of the Army by the Death of General Clavering, he drew considerable Allowances as Commander in Chief in the Field, which might with Propriety be united to those drawn by General Clavering during the same Time; however, as the Secretary's Letter only specifies the Allowance of the Commander in Chief, not those of the Commander in Chief in the Field, they are not inserted in the accompanying Account.

Other Articles might be added to this Abstract, such as the Sums charged in the Revenue Accounts for Bearers for them and the Staff, &c. &c. but as those Charges are not mentioned in the Secretary's Letter, they are not included.

I have the Honour to be,  
Honourable Sir, and Sirs,  
Your most obedient Servant,  
(Signed) John Carmichael,  
D<sup>y</sup> M<sup>y</sup> P<sup>y</sup> Maf<sup>t</sup> General.

Sir Eyre Coote—I agree entirely with the Governor General's Resolution:

Mr. Wheler—I think the Sums advanced by the different Commanders for the following Purposes, are improperly introduced in the Accounts before me, as they make no Part of the Allowances drawn by them, or of the Expences incurred on their Accounts; viz.

Payment for Secret Intelligence,  
for Dawk Charges,  
for Nuzzar Anas.

I have no Reference to General Clavering's Account, but by the Sum carried to his Debit in the General Abstract, the Charge of House Rent seems to be omitted.

Mr. Francis—I have not looked into the Particulars of these Accounts, nor do I think them at all material to the clearing-up of any Question that may occur at present respecting the Commander in Chief's Allowances. But as the Account drawn up by the Deputy Paymaster amounts to more than double that of the Account delivered in by the Paymaster General, I think the latter should be called upon to defend and explain his Account.

Mr. Barwell—I have not the least Objection to Mr. Francis's Proposition. The fullest Information that can be given on the Subject, will render it better understood by the Company, and place the Rights of the different Commanders in Chief in their just Point of View.

Governor General—I agree to Mr. Francis's Proposition, and shall reserve what further I may have to say on the Subject, to the Time in which it shall be again brought before the Board.

Resolved, That the Military Paymaster General be called upon to defend and explain the Account accompanying his Letter of the 8th of May, recorded on the Proceedings of the 20th of that Month.

Ordered, That the Accounts delivered in by the Deputy Paymaster General, be entered after this Day's Consultation.

General Abstract of Allowances drawn by the Commanders in Chief, from the 1st May 1763 to the 1st September 1777.

Names of the Commanders in Chief.	Time in Command.	Years, M <sup>s</sup> , D <sup>s</sup> .	Amount drawn from the Military Paymasters.	Profit upon the Monopoly of Salt.	Commission upon the Revenues.	Grand Total.
Major Adams and Knox, vide N <sup>o</sup> 1 and 2	from 1st May 63 to 1st February 1764	— 9 —	1,02,231 6 6	—	—	1,02,231 6 6
Major Carnac, vide N <sup>o</sup> 3	from 1st February to 31st July 64	— 6 —	61,451 13 10	—	—	61,451 13 10
Major Munro, — 4	from 31st July 64 to 16 January 65	— 5 —	61,410 13 6	—	—	61,410 13 6
Sir Robert Fletcher, and Brigadier General Carnac, N <sup>o</sup> 5, 6, 7, and 8	from 1st January to 15th September 65	— 8 15	1,18,302 8 2	2,92,995	—	4,11,297 8 2
Brigadier General Smith, N <sup>o</sup> 9 and 10	from 27th January 1767 to 4th December 1769	— 2 10 7	5,47,941 13 6	—	1,01,515 4 —	6,49,457 1 6
D <sup>o</sup> Sir Robert Barker, N <sup>o</sup> 10 and 11	from 4th December 1769 to 22d December 1773	— 4 — 17	6,53,628 2 8	—	1,15,747 14 5	7,69,376 1 1
Colonels Chapman and Champion, N <sup>o</sup> 10 and 12	from 22d December 1773 to 27th December 1774	— 1 — 5	1,44,942 — 1	—	27,089 11 8	1,72,031 11 9
Lieutenant General Clavering	from 21st September 1774 to 1st September 1777	— 2 11 11	1,76,666 10 8	—	—	1,76,666 10 8
		C. R.	1,866,575 4 11	2,92,995 — —	2,44,352 14 1	24,03,923 3 —

No Charge for the Commander in Chief appears after the 15th September 1765; until General Smith took the Command the 27th January 1767; Lord Clive being Governor as well as Commander in Chief, most probably drew no Allowances from the Civil List; but though no Military Charge was made for the Commander in Chief during that Interval, yet General Carnac received his Share, as Commander in Chief, from the Profit upon the Monopoly of Salt for the Year 1766.

John Carmichael,  
D<sup>y</sup> M<sup>y</sup> Paymaster General.

Errors excepted.  
(Signed)

Fort William,  
the 31st May 1779.

# A P P E N D I X, N° 8.

Month in which the  
Charges appear in  
the Paymaster's Dis-  
bursements.

An Abstract of the Allowances drawn by Major Adams, from the 1st May 1763 to the Time of his Death in January 1764, as extracted from the Military Paymaster General's Books.

		AR	
1763.	Major Adams, his Table Expences for		
May.	May — — —	4,973 11 6	
	Moonshee and Writer — —	300 — —	
	Repairs of Ghycette House —	215 — —	
			5,488 11 6
June.	Moonshee for Major Adams —	50 — —	
	Writer — — —	50 — —	
	Hircarrahs — — —	65 — —	
			165 — —
July.	Hircarrahs — — —	469 — —	
	Table Expences for June and July —	11,589 13 2	
	Moonshee — — —	100 — —	
	Writer — — —	50 — —	
			12,208 13 2
August.	Hircarrahs employed by the Commander in Chief —		1,235 — —
Septemr	Ditto — — —	203 2 6	
	Moonshee and Writer — —	150 — —	
	Paid for Sundries, by Order of Major Adams — — —	97 — —	
			450 2 6
Octobr	Hircarrahs employed by Major Adams	832 8 —	
	Moonshee and Writer — —	150 — —	
	Presents given to Hircarrahs in Sept <sup>r</sup> and Oct <sup>r</sup> — — —	535 4 —	
	Ditto — Ditto in October —	320 4 —	
	Mr. Grant's Bill for Stationary for the Commander in Chief — —	142 8 —	
			1,980 8 —
Novr	Hircarrahs employed by the Com- mander in Chief — —	970 — —	
	Presents to Ditto — —	346 — —	
	Table Expences to Major Adams for Aug <sup>r</sup> , Sept <sup>r</sup> , and October —	26,642 7 9	
	Moonshee and Writer — —	150 — —	
			28,108 7 9
Decr	Presents given by Major Adams to Sittob Roy — — —	4,440 5 —	
	Lascars employed by D <sup>o</sup> — —	33 — —	
	Budgerow for Major Adams —	198 8 —	
			4,671 13 —
1764.			
Feb <sup>r</sup>	Paid Capt. Stables, on Account of Major Adams his Expences for Nov <sup>r</sup> and Decem <sup>r</sup> — —		11,346 — —
March.	Paid by Military Paymaster General to the Executors of Major Adams, his Table Expences in November and December 1763, and January 1764 — — —	17,230 3 6	
	Deduct paid to Captain Stables at Camp — — —	11,346 — —	
			5,884 3 6
		AR	
	Batta 8 per Cent.	71,538 11 5	
		5,723 1 6	
			77,261 12 11

# A P P E N D I X, N° 8.

1764.

Not included in the general Abstract.

It must be remarked, that there is neither Pay or Batta included in the above Account, though there is no Reason to doubt both being drawn, and most probably in the Abstracts of the Regiment to which he belonged. Suppose there is Pay as Major at 6 R' per Day, from the 1st May 1763 to the 15th January 1764, which is about the Time of his Death, 261 Days — 1,566 — —  
Ditto his Batta (the same as we find is drawn by Major Allisfiew) 50 R' per Diem — — 13,050 — —

Batta 8 per Cent. 14,616 — —  
1,104 5

Total, supposing no Expence to be incurred for Boats, Elephants, Camp Equipage, &c. — — — — Current R'

15,785 4 5

93,047 1 4

Fort William,  
the 31st May 1779.

(Signed) Errors excepted.  
John Carmichael,  
D<sup>r</sup> M<sup>r</sup> P<sup>r</sup> Gen<sup>l</sup>.

Month in which the Charge appears in the Paymaster's Disbursements.

An Abstract of Allowances drawn by Major Knox in December 1763 and January 1764, as extracted from the Military Paymaster General's Books.

1763.  
Dec<sup>r</sup>.

Table Expences to Major Knox — 5,009 — —  
Extra Expences by Ditto — 700 — —  
Dieting Prisoners by Ditto — 350 — —  
Writer, Linguist, and Moonshce for D<sup>o</sup> — 350 — —

Jan<sup>r</sup>.

Moonshce to Major Knox — — 6,400 — —  
Major Knox, 3 Bills for Elephants and Camels — — 200 — —  
16,520 — —  
16,720 — —

Batta 8 per Cent. 23,120 — —  
1,849 9 7

Current Rupees 24,969 9 7

It would appear that Major Knox drew the Allowances above-mentioned, as Commanding Officer, from the Time of Major Adams quitting the Command till Major Carnac assumed it, which was in February 1764; they may therefore with Propriety be united to those of Major Adams.

Fort William,  
the 31st May 1779.

(Signed) Errors excepted.  
John Carmichael,  
D<sup>r</sup> M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

# A P P E N D I X, N<sup>o</sup> 8.

An Abstract of Allowances drawn by Major Carnac, while commanding the Army, commencing in February 1764, and ending the 31st July 1764, as extracted from the Military Paymaster Gen-ral's Books.			
Month in which the Charge appears in the Paymaster's Disbursements.			
1764.			
Feb <sup>r</sup>	Hircarrahs attending Major Carnac —	171 — —	
	Table Expences to D <sup>o</sup> for February —	5,356 10 —	
			5,527 10 —
March.	Hircarrahs attending the Commander in Chief — — —	1,007 — —	
	Presents to Ditto, for Secret Intelligence —	950 — —	
	Table Expences for March —	6,697 — —	
	Salams made the Nabob — —	375 — —	
	Major Carnac's Moonshce —	200 — —	
			9,235 — —
April.	Hircarrahs attending the Commander in Chief — — —	1,100 — —	
	Presents to Ditto, for Secret Intelligence —	1,360 — —	
	Table Expences for April —	8,631 8 —	
	Moonshce and Writer — —	200 — —	
			11,291 8 —
May.	Hircarrahs for May — —	923 — —	
	Presents to D <sup>o</sup> for Secret Intelligence —	1,035 — —	
	Table Expences for May — —	7,951 12 —	
	D <sup>o</sup> for Mendy Ally Cawn —	415 — —	
	Moonshce for May — —	200 — —	
			10,524 12 —
June.	Captain Stables's Bill for Hircarrahs attending the Commander in Chief for June — — —	776 — —	
	Presents to Hircarrahs and to the King's Servants — — —	1,115 — —	
	Table Expences for June — —	9,877 — —	
	Major Carnac's Moonshce and Writer —	200 — —	
			11,968 — —
July.	Major Carnac's Table Expences for July — — —	8,153 — —	
	Writer — — —	200 — —	
			8,353 — —
			56,899 14 —
	Batta 8 per Cent.	4,551 15 10	
		Current Rupees	61,451 13 10
Not included in the General Abstract.	As Major Carnac has not drawn Pay or Batta by feparate Bill, it is to be supposed he has drawn them in the Abstracts of his Corps. Suppose then Pay as Major, from the 1st February to the 1st August 1764, a. 6 —		1,086 — —
	Batta (the same as is drawn by Major Allefiew) a. 50 —		9,050 — —
			10,136 — —
		Batta 8 per Cent.	810 14 1
			10,946 14 1
	Total, supposing no Expence to be incurred for Boats, Elephants, Camp Equipage, &c. — — —		72,398 11 11

Fort William,  
the 31st May 1779.

Errors excepted.  
(Signed) John Carmichael,  
D<sup>r</sup> M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

# A P P E N D I X, N<sup>o</sup> 8.

Month in which the Charge appears in the Paymaster's Disbursements.

An Abstract of Allowances drawn by Major Monro from the 1<sup>st</sup> August 1764 to the 1<sup>st</sup> January 1765, whilst commanding the Army, as extracted from the Military Paymaster General's Books.

1764. August.	Captain Stables, his Bill for Hircarrahs attending the Commander in Chief — — — 880 — — Presents to D <sup>o</sup> for Intelligence — — — 185 — — Major Monro's Table Expences for August — — — 7,364 8 —  8,429 8 —	
Septem <sup>r</sup>	Captain Stables, his Bill for Hircarrahs with the Commander in Chief — — — 1,067 — — Secret Intelligence — — — 152 — — Major Monro's Table Expences for September — — — 4,497 8 6  5,716 8 6	
October	Major Monro's Bill for an Elephant — — — 3,000 — — Repairing a Garden for the Commander in Chief — — — 1,435 — — Hircarrahs attending D <sup>o</sup> — — — 1,174 8 — Presents to Hircarrahs — — — 719 — — Major Monro's Bill for Gratuity — — — 1,600 — — D <sup>o</sup> Presents to sundry People — — — 4,065 — — Table Expences for October — — — 4,966 14 —  16,960 6 —	
Nov <sup>r</sup> .	Major Monro's Bill for an Elephant — — — 3,000 — — Hircarrahs attending D <sup>o</sup> — — — 1,145 — — Presents to D <sup>o</sup> — — — 684 — — Major Monro's Table Expences — — — 4,959 1 9 Ditto for Sundry Salaams — — — 6,437 — — Ditto for several other Expences — — — 1,134 12 —  17,359 13 9	
Dec <sup>r</sup> .	Hircarrahs attending the Commander in Chief — — — 1,202 — — Presents to D <sup>o</sup> — — — 394 — — Table Expences — — — 5,344 4 — Stationary for Major Monro — — — 309 8 —  7,249 12 —	
1765. March.	Two Bills of Major Monro's for Servants Wages — — — 1,145 14 —  56,861 14 3 Batta 8 per Cent. — — — 4,548 15 3  61,410 13 6	
	As no Charge appears for Major Monro's Pay or Batta, it is to be presumed he drew both in the Abstracts of his Regiment: Suppose them, Pay as Major, at 6 per Diem — — — 918 — — Batta, as Commandant, at 50 per D <sup>o</sup> — — — 7,650 — —  8,568 — — Batta at 8 per Cent. — — — 685 7 —  9,253 7 —	
	Total (suppose no Expence to be inturred on Account of Boats, Camp Equipage, &c.) — — — — — Current Rupees 70,664 4 6	

Not included in the General Abstract.

Fort William,  
the 31<sup>st</sup> May 1779.

Errors excepted.  
(Signed) John Carmichael,  
D<sup>r</sup> M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

An



# A P P E N D I X, N<sup>o</sup> 8.

Month in which  
the Charge ap-  
pears in the Pay-  
master's Dis-  
bursements.

An Abstract of Allowances drawn by Sir Robert Fletcher, when commanding the Army, from the 6th January to the 12th February 1765, as extracted from the Military Paymaster General's Books.

1765. Feb <sup>r</sup>	Disbursed by Sir Robert Fletcher on fundry Occa- sions — — — 2,500 — —	
	His Expences as Commander in Chief from the 6th January to the 12th February — — — 6,010 — —	
	His Bill for 300 Coolies employed — — — 1,750 — —	
	His D <sup>o</sup> for Nazirs at the Siege of Allahabad — — — 11,464 8 —	
		21,724 8 —
	Batta 8 per Cent. — — — 1,737 15 4	
	Current Rupees — — —	23,462 7 4

Notwithstanding Sir Robert Fletcher drew the Allowances as Comman-  
der in Chief, I find they were also drawn for the same Time by General  
Carnac, upon which Account I have united both together in the Ge-  
neral Abstract.

Fort William,  
the 31st May 1779.

Errors excepted.  
(Signed) John Carmichael,  
D<sup>y</sup> M<sup>y</sup> Pay<sup>r</sup> Gen<sup>l</sup>

Month in which  
the Charge ap-  
pears in the Pay-  
master's Dis-  
bursements.

An Abstract of Allowances drawn by Brigadier General Carnac, from the 1st January to the 15th September 1765, as extracted from the Military Paymaster General's Books.

1765. Feb <sup>r</sup>	Coolies employed carrying General Carnac's Baggage to Camp — — — 141 1 —	
	Hircarrahs attending the Commander in Chief — — — 3,333 8 —	
	General Carnac's Table Expences for January — — — 8,794 — —	
		12,268 9 —
April.	General Carnac's Table Expences for February and March — — — 18,292 8 11	
	D <sup>o</sup> D <sup>o</sup> for April — — — 7,698 — —	
	D <sup>o</sup> D <sup>o</sup> for Mindy Ally Cawn — — — 2,263 12 —	
	Pay and Batta to General Carnac's Moonshee and Writer — — — 1,060 — —	
	General Carnac's Travelling Charges from Patna to Camp — — — 1,051 8 —	
	Writers and Moonshees D <sup>o</sup> — — — 100 — —	
	Moonshee's Pay — — — 320 — —	
		30,785 12 11
May.	Captain Swinton's Bill for Hircarrahs, attending the Commander in Chief in March, April, and May — — — 5,322 — —	
June.	Hircarrahs attending in June — — — 1,247 — —	
	General Carnac's Table Expences for Ditto — — — 7,440 — —	
		8,687 — —
July.	Hircarrahs attending D <sup>o</sup> in July — — — 1,119 8 —	
	Table Expences to D <sup>o</sup> for May and July — — — 14,540 — —	
	Writers Pay for June — — — 200 — —	
		15,859 8 —

Hircarrahs

# A P P E N D I X, N<sup>o</sup> 8.

1765.									
August.	Hircarrahs attending the Commander in Chief	—	—	1,135	—	—			
	His Moonthee for June, July, and August	—	—	880	—	—			
	His Writer in July and August	—	—	200	—	—			
							1,215	—	—
Sept <sup>r</sup>	Hircarrahs attending the Commander in Chief	—	—	1,115	—	—			
	General Carnac's Durbar Charges in August and September	—	—	2,854	—	—			
	His Table Expences from 1st August to 15th September	—	—	9,388	—	—			
	2 Moonthees and 1 Writer for September	—	—	320	—	—			
							13,677	—	—
							87,814	13	11
	Batta, 8 per Cent.						7,025	2	11
									94,840 — 10
	It does not appear that General Carnac drew Pay or Batta by separate Bill. It is probable, then, that he received it in the Abstract of his Corps. Suppose then,								
	Pay as Colonel, from the 1st January to the 16th September, at 10	—	—	2,590	—	—			
	Batta as Ditto, from Ditto to Ditto, at 50	—	—	12,950	—	—			
							15,540	—	—
	Batta, 8 per Cent.	—	—	1,243	3	2			
								16,783	3 2
	Total, supposing no Expence to be incurred for Elephants, Camels, Bullocks, Budgerows, Camp Equipage, Lascars, &c.	—	—	—	—	CR.		1,11,623	4 —

Not included in the General Abstract.

Errors excepted.

Fort William,  
the 31st May 1779.

(Signed) John Carmichael,  
D<sup>r</sup> M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

GENERAL JOHN CARNAC		C	
D	To Cash paid him sundry Dividends for his Proportion in the Society of Trade, A. 1765, amounting to CR.	—	—
		—	—
		3,72,675	—
		—	—
		3,72,675	—
		—	1,71,930
		—	2,00,745
		CR	3,72,675
		CR	
		By Cash received from him as Commander in Chief of the Army, for his Proportion, being 3 Shares in the Society of Trade, A. 1765, Current Rupees	
		By Balance, being his Share of the Nett Profits in the Society of Trade, A. 1765	

Fort William, the 25th May 1779.  
A true Copy from the Books of the Society of Trade.  
(Signed) David Killican,  
Accountant.

GENERAL JOHN CARNAC		C <sup>r</sup>	
D <sup>r</sup>	—	—	—
To Cash paid him fundry Dividends for his Proportion in the Society of Trade, B. 1766, amounting to CR <sup>a</sup>		—	—
	—	—	—
	2,12,250	—	1,20,000
	—	—	—
	—	—	92,250
	—	—	—
	CR <sup>a</sup>	2,12,250	2,12,250
	—	—	—
By Cash received from him as Commander in Chief of the Army, for his Proportion, being 3 Shares, in the Society of Trade, B. 1766, Current Rupees		—	—
By Balance, being his Share of the Nett Profits in the Society of Trade, B. 1766		—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—
	—	—	—

Fort William, the 25th May 1779.  
A true Copy from the Books of the Society of Trade.  
(Signed) David Killican,  
Accountant.

# A P P E N D I X, N<sup>o</sup> 8.

Abstract of Pay and Allowances drawn by Brigadier General Smith, while commanding the Army in Bengal, commencing the 27th January 1767, and ending the 4th December 1769.

Month in which the Charge is entered in Paymaster's Disbursements.

1767.	* Paid Colonel Smith's Bill, by Order of the Board, for sundry Expences, Nazirs, &c.	—	—	—	86,032 12 3
See Journal for April.	July. Mr. Wilmot's Bill for Boats attending the Commander in Chief	—	—	1,222 — —	
	Mr. Shrimpton's D <sup>o</sup> for a Budgerow for D <sup>o</sup>	—	—	500 — —	
	Hircarrahs employed in the Service, from Allahabad to Delhi	—	—	897 — —	
	Extra Expences in May, and Hircarrahs in June	—	—	2,295 6 —	
	Repairing the Octagon House for the Reception of the Commander in Chief	—	—	1,122 1 3	
					6,036 7 3
Aug <sup>t</sup> .	Hircarrahs and Extra Expences for the Commander in Chief	—	—	834 — —	
	Moonshces for July	—	—	170 — —	
					1,004 — —
Sept <sup>r</sup> .	Hircarrahs and Extra Expences for the Commander in Chief	—	—	1,085 — —	
	Moonshces for August	—	—	170 — —	
	Mr. Patton's Bill for Moonshces for the Commander in Chief, for September	—	—	196 — —	
	Hircarrahs with the Commander in Chief, for September	—	—	1,086 — —	
	Ditto for the Dawks 'twixt Fayzabad and Allahabad	—	—	222 — —	
	Repairing Budgerows and Pintaces attending the Commander in Chief	—	—	172 5 3	
					2,931 5 3
Oct <sup>r</sup> .	Secretary Patton's Bill for Moonshces for the Commander in Chief, for October	—	—	170 — —	
	Hircarrahs for Ditto	—	—	1,205 — —	
	Sundry Dawk Expences for September	—	—	404 — —	
	Ditto for October	—	—	500 — —	
					2,279 — —
Dec <sup>r</sup> .	Budgerows and Boats attending the Commander in Chief, from June to December inclusive	—	—	2,188 13 —	
	Secretary Patton's Bill for Hircarrahs, and Extra Expences for D <sup>o</sup> , in November and December	—	—	3,646 — —	
	D <sup>o</sup> D <sup>o</sup> for Dawk Hircarrahs, D <sup>o</sup> D <sup>o</sup>	—	—	1,487 — —	
	D <sup>o</sup> D <sup>o</sup> for Moonshces, D <sup>o</sup> D <sup>o</sup>	—	—	340 — —	
	Captain Delafield's Bill for repairing the Commander in Chief's Quarters, in December	—	—	758 14 6	
	Quarter Master's D <sup>o</sup> for D <sup>o</sup> , in November	—	—	513 10 —	
					8,934 5 6
1768.	Feb <sup>r</sup> . Secretary Patton's Bill for Commander in Chief's Moonshces Wages, for January and February	—	—	375 — —	
	Hircarrahs and Extra Expences for D <sup>o</sup> , in D <sup>o</sup> D <sup>o</sup>	—	—	2,397 12 —	
					2,772 12 —

Secretary

# A P P E N D I X, N<sup>o</sup> 8.

1768.	
March.	Secretary Patton's Bill for Hircarrahs and Extra Expences for the Commander in Chief — 986 — —
	D <sup>o</sup> D <sup>o</sup> , for Stationary for D <sup>o</sup> — 590 — —
	Mr. Boughton's Bill for Moonshce for D <sup>o</sup> — 170 — —
	Aid de Camp Delafield's Bill, for Necessaries — 186 — —
	Mr. Wilson's Bill for Furniture — 142 12 —
	Colonel Barker's Bill for 21 Gold Mohurs, presented to His Majesty for the Commander in Chief — 536 — —
	2,416 12 —
April.	Mr. Hutchinson's Bill for Boats employed by the Commander in Chief — 2,218 8 —
	D <sup>o</sup> D <sup>o</sup> , for Repairs of D <sup>o</sup> — 296 — —
	2,514 8 —
Oct <sup>r</sup> .	Secretary Patton's Bill for Mathematical Instruments — 441 — —
	Mr. Cockerel's Bill for Carpets for the Commander in Chief's Quarters — 640 — —
	1,081 — —
Nov <sup>r</sup> .	The Paymaster's Bill for Carpets and Setrings provided for the Commander in Chief's Quarters, and Deputation — 3,509 9 6
Dec <sup>r</sup> .	Mr. Boughton's Bill for Hircarrahs for Six Months — 1,896 — —
	Ditto, for Extra Expences for April and May — 855 — —
	Moonshces, from April to August — 1,100 — —
	Pens, Ink, &c. for D <sup>o</sup> — 90 6 6
	Trunk for White Paper — 70 1 —
	4,011 7 6
1769.	
Jan <sup>r</sup> .	Mr. Boughton's Bill for the Commander in Chief's Moonshces — 270 — —
	D <sup>o</sup> , for D <sup>o</sup> Hircarrahs — 421 — —
	Secretary Patton's D <sup>o</sup> , for D <sup>o</sup> D <sup>o</sup> — 228 — —
	919 — —
Feb <sup>r</sup> .	Secretary Patton's Bill for Extra Expences, from July to December inclusive — 3,598 — —
	Paid to People employed at the Head Quarters, by Order of the Commander in Chief — 229 8 —
	Mr. Boughton's Bill for Hircarrahs for the Commander in Chief — 400 — —
	D <sup>o</sup> D <sup>o</sup> for Moonshces for D <sup>o</sup> — 270 — —
	D <sup>o</sup> D <sup>o</sup> for Dawk Hircarrahs from Allahabad to Agra — 1,275 — —
	D <sup>o</sup> D <sup>o</sup> for D <sup>o</sup> from Fayzabad to Allahabad — 228 — —
	6,000 8 —
Mar.	Paid for Boats supplied the Commander in Chief, for October, November, and December — 2,611 6 —
	D <sup>o</sup> for Latcars with Ditto — 958 12 —
	Hircarrahs with the Commander in Chief, for October — 330 — —
	Mr. Boughton's Bill for Hircarrahs and Moonshces, with D <sup>o</sup> — 656 — —
	Mr. Patton's Bill for Dawk Hircarrahs to Fayzabad, with D <sup>o</sup> — 228 — —
	Ditto for a Chest of Stationary — 798 11 —
	Gardeners at the Head Quarters — 49 8 —
	5,632 5 —

# A P P E N D I X, N° 8.

1769. April.	Boats employed by the Commander in Chief, from December to April inclusive	—	—	4,680	—	—
	Commander in Chief's Moonshee, &c.	—	—	656	—	—
	D° Hircarrahs from Fayzabad to Allahabad	—	—	228	—	—
	Secretary Patton for a Writer, from April to January	—	—	450	—	—
					6,014	—
May.	Mr. Ham's Bill for Boats employed by the Commander in Chief	—	—	2,183	5	—
	Mr. Boughton's Bill for Moonshees for D°	—	—	270	—	—
	D° D° Hircarrahs for D°	—	—	386	—	—
	D° D° for D° stationed from Fayzabad to Allahabad	—	—	228	—	—
					3,067	5
June.	Paid Mr. Ham's Bill for Boats supplied the Commander in Chief	—	—	1,791	—	—
	D° Ensign Davy for a Tent for D°	—	—	300	—	—
					2,091	—
July.	Paid the Superintendant's Bill for Budgerows and Boats, supplied the Commander in Chief in May and June	—	—	7,190	—	—
	Gardeners employed at Head Quarters in April and May	—	—	99	—	—
	D° D° in June	—	—	49	8	—
					7,338	8
Aug <sup>l</sup> .	Mr. Ham's Bill for Boats supplied the Commander in Chief in July and August	—	—	3,692	8	—
	Secretary Patton's Bill for sundry Dawks in April and May	—	—	885	—	—
	D° for Extra Expences from January to July	—	—	5,710	—	—
	Mr. Boughton's Bill for Hircarrahs in June	—	—	386	—	—
	D° D° for Moonshees D°	—	—	270	—	—
	A Pair of large Lanterns, purchased by Order of General Smith	—	—	500	—	—
					11,443	8
Sept <sup>r</sup> .	Paid for Hircarrahs with the Commander in Chief for July and August	—	—	—	700	—
Oct <sup>r</sup> .	Mr. Boughton's Bill for Hircarrahs with D° in September and October	—	—	660	—	—
	D° for Moonshees for September	—	—	540	—	—
	Secretary Patton's Bill for Stationary for the Commander in Chief	—	—	600	—	—
					1,800	—
Dec <sup>r</sup> .	* General Smith draws various Sums upon Account from the Paymasters, none of which have been entered in this Abstract; the General laid before the Board an Account Current on the 9th November 1769, made up to the 1st August 1769, which was approved, and the Balance ordered to be paid. The Total Amount brought to the Company's Debit, being his Table Allowance and various Disbursements made by him as Commander in Chief, was					— 3,46,104 10 6

Table Expences to General Smith, from August to November inclusive	—	—	19,600	—	—
Captain Fullarton's Bill for Hircarrahs with the General in November	—	—	309	—	—
Secretary Patton's Bill for Moonshees with the General in November	—	—	270	—	—



## A P P E N D I X, N° 2.

1769.	Mr. Cockerel's Bill for Manjies and Dandies Wages with the Commander in Chief in December	378	
	3 Budgetrows for the Commander in Chief in November and December	900	
		21,457	
1770.	Mr. Boughton's Bill for Sundries for the General	380	
Jan <sup>y</sup> .			
	Sonaut Rupees	1,04,328	5
	Batta 11 per Cent.	11,476	1 9
		1,15,804	6 9
	Current Rupees	5,47,941	13 6

**Errors excepted.**

Fort William, --  
the 31st May 1779.

(Signed)

John Carmichael,  
D<sup>r</sup> M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

It is to be observed, that in the foregoing Abstract there is no Charge made for the large Complement of Lascars and Coolies usually allotted for the Service of the Commander in Chief. And as the Contractors Charges for Elephants and Camels do not mention the Service upon which they are sent, it is impossible to ascertain the Number employed by General Smith. No Charge of any Consequence appears for his Camp Equipage, from which I suppose the Article is included in the Military Store-keeper's Accounts. The Boat Bills are entered in such a vague Manner, that there is the greatest Reason to suppose many Charges for Budgerows, &c. which were actually upon Account for the Commander in Chief, have been overlooked, as the Service for which they were hired is not particularly specified.

# A P P E N D I X, N. 8.

An Abstract Account of the Commission on the Revenues, drawn by the several Commanders in Chief, from the First Institution of that Fund up to the Commencement of Brigadier General Sibbert's Command.

Rich <sup>d</sup> Smith, Esq; —	7½ Shares, 1 Year, from 31st August 1767 to 1st September 1768 — — —	CR <sup>a</sup>	
	6 M <sup>os</sup> , to the 1st March 1769 — — 21,000 — —	45,158	9 6
	6 M <sup>os</sup> , to the 1st September 1769 — — 23,547 4 3		
		44,547	4 3
D <sup>r</sup> , and Sir Robert Barker — — —	6 M <sup>os</sup> , to the 1st March 1770 — — 22,500 — —		
Sir Robert Barker — — —	6 M <sup>os</sup> , to the 1st September 1770 — — 14,770 6 10		
		37,270	6 10
	2 M <sup>os</sup> , to the 31st October 1770 — — 6,133 6 9		
	5½ Shares, 121 Days, to the 31st March 1771 — — 9,070 10 5		
		15,204	1 2
	6 M <sup>os</sup> , to the 1st September 1771 — — 13,869 10 —		
		29,073	11 2
	6 M <sup>os</sup> , to the 1st March 1772 — — 13,805 — —		
	6 M <sup>os</sup> , to the 1st September 1772 — — 18,009 4 8		
		31,814	4 8
	6 M <sup>os</sup> , to the 1st March 1773 — — 15,906 — —		
	6 M <sup>os</sup> , to the 1st September 1773 — — 13,492 14 —		
		29,398	14 —
D <sup>r</sup> , and Colonels Chapman and Champion — — —	6 M <sup>os</sup> , to the 1st March 1774 — — 11,288 — —		
A. Champion — — —	6 M <sup>os</sup> , to the 1st September 1774 — — 12,511 3 11		
		23,799	3 11
	49 Days, to the 19th October 1774 — — — —	3,290	7 9
	Current Rupees — — —	2,44,352	14 1

Fort William,  
Account<sup>r</sup> Gen<sup>l</sup>' Office,  
the 26th May 1779.

(Errors excepted.)  
(Signed) Ja<sup>s</sup> Miller,  
Act<sup>g</sup> Account<sup>r</sup> Gen<sup>l</sup>.

# A P P E N D I X, N° 8.

An Abstract of Pay, Allowances, &c. drawn by Brigadier General Sir Robert Barker, while Commander in Chief, with Expences incurred upon his Account, from the 4th December 1769 to the 22d December 1773, as extracted from the Military Paymaster General's Books.

Month in which the Charge is entered in the Paymaster's Disbursements.

1770.					
Jan.	Captain Fullarton's Bill for Hircarrahs with the General, for December	—	—	433	—
Feb.	D°, his D° for D° with D°, in January and February	—	—	782	—
March.	D°, his D° for D°, in March	—	—	405	—
April.	Sundry Lascars employed by the General	52	—	—	—
	Captain Fullarton's Bill, for Lascars and Dandies with the General	—	1,050	—	—
	D°, his D°, for Hircarrahs with D°, in April	—	334	—	—
	D°, D°, for Gurrymen, from August to November inclusive	—	68	—	—
	D°, D°, for Beasties, D° D° D°	—	242	10	8
				1,746	10 8
May.	Captain Fullarton's Bill for Hircarrahs for the General, in May	—	334	—	—
	Captain Burrington's Bill for a Bookcase for D°	—	300	—	—
				634	—
June.	Captain Fullarton's Bill for Hircarrahs with D°, for June	—	290	—	—
	Captain Burrington's D° for Budgerows with the Commander in Chief, from the 1st December 1769 to the 30th June 1770	—	4,174	8	—
	Captain Burrington, his Bill for Writers, Candles, and Stationary, for the Commander in Chief's Office, in May and June	—	520	—	—
	Lieutenant Cockerell's Bill for Moonshoes, Gurrymen, &c. with the Commander in Chief, from December to July	—	1,631	—	—
				6,615	8 —
July.	Captain Fullarton's Bill for Hircarrahs with the General, for July	—	—	300	—
Aug.	D°, his D° for D° with D°, for August	—	—	299	—
Sept.	Captain Fullarton's Bill for Hircarrahs with the General, for September	—	—	334	—
Oct.	D°, his D° for D° with D°, for October	306	—	—	—
	D°, for Sircars, Linguist, &c.	270	—	—	—
	Captain Burrington's Bill for 2 Chests of Stationary for the Commander in Chief	799	—	—	—
	General Barker's Bill for Expences as Commander in Chief, from 1st December 1769 to 30th June 1770	—	35,000	—	—
	D°, for Secret Intelligence, from D° to D°	3,000	—	—	—
	Lieutenant Cockerell's Bill for Dawk Hircarrahs employed with Commander in Chief, from July to October inclusive	406	—	—	—
	D°, his D° for Hackery Hire for the General	—	80	—	—
				39,861	—
Nov.	Captain Burrington's Bill for Pinnaces and Boats for the Commander in Chief, from July to November, inclusive	—	2,589	15	3

Captain

# A P P E N D I X, N<sup>o</sup> 8.

1770.	Nov.	Captain Burrington's Bill for Stationary and Candles for the Commander in Chief, in October and November	—	—	520	—	—	
								3,109 15 3
	Dec.	Paid the Superintendent's Bill for Budgerows and Boats attached to the 3d Brigade and with the Commander in Chief, this Month, Sonaut Rupees 6,645. 12. 9.						
		This Charge have not inserted, as the Amount incurred on account of the Commander in Chief is not specified.						
		Paid Sir Robert Barker, for Secret Intelligence this Month	—	—	2,000	—	—	
		Paid his Expences as Commander in Chief, from July to December, inclusive	—	—	30,000	—	—	
		Captain Burrington's Bill for Lascars employed with D <sup>o</sup> , from the 1st July to the 30th November	—	—	635	—	—	
		Lieutenant Cockerell's D <sup>o</sup> , for Dawk Hircarrahs in November and December	—	—	210	—	—	
								32,845 — —
								87,365 1 11
1771.	Jan.	Paid the Superintendent's Bill for Budgerows and Boats with the 3d Brigade and the Commander in Chief, to the 6th January, Sonaut Rupees 2,498. 0. 9. 11 per Cent.	—	—	—	—	—	9,610 2 7
		Not inserted in the Account, not knowing what Sum to charge for those employed with the Commander in Chief.						
		Lieutenant Cockerell, for Jemmedar, Beasties, and Gurrymen at the Head Quarters, from 1st July to 31st December	—	—	798	—	—	
		Captain Burrington, for Coolies, Mollics, Harry Wenches, and Sweepers, at D <sup>o</sup> , from 1st December 1769 to 31st August 1770	—	—	612	—	—	
		Lieutenant Cockerell, for Dawk Hircarrahs	—	—	105	—	—	
								1,515 — —
		11 per Cent.	—	—	166	10	5	
								1,681 10 5
	Feb.	D <sup>o</sup> , for Jemmedar, Beasties, and Gurrymen, with General Barker, Sonaut Rupees 216, or Curr <sup>t</sup> R <sup>t</sup>	—	—	239	12	2	
		Mr. Cobham's Disbursements, Budgerows, and Boats, with the Commander in Chief, and his Suite	—	—	3,635	8	1	
								3,875 4 3
	March.	Mr. Cobham's Disbursements for Budgerows and Boats with the Commander in Chief and his Suite, for March	—	—	4,404	15	9	
		Lieutenant Cockerell, for Jemmedars, Beasties, Gurrymen, &c. with D <sup>o</sup> , for D <sup>o</sup> , Sonaut Rupees	—	—	100	—	—	
		11 per Cent.	—	—	11	—	—	
								4,515 15 9
	April.	Mr. Cobham's Disbursements for Budgerows and Boats with D <sup>o</sup> , for April	—	—	3,545	13	6	
		Lieutenant Cockerell's Bill for Hircarrahs with the Commander in Chief, for February, March, and April	—	—	345	—	—	
		D <sup>o</sup> D <sup>o</sup> , for Wages of a Naib, of Dawk Hircarrahs, from 1st December 1769 to 30th June 1770	—	—	105	—	—	

96,975 4 6







## A P P E N D I X, N° 8.

1771.

Dec. Captain Cockerell, for Beasties and Gurrymen employed at Head Quarters in November and December — 200 — —

D°, for Hawk Hircarrahs in			
D° and D°	—	—	230 — —

D°, for Wax Cloth in D°	—	—	24 — —
and D°	—	—	

D°, for Hircarrahs in D° and  
D° — — 472 9 —

472 9 —

926 9 →

11 per Cent.	101	14	9
--------------	-----	----	---

1,028 7 9

5,18 10 11

61,288 11 8

1772.

Jan.	Mr. Cobham's Disbursements as above —	4,159	2	8
------	---------------------------------------	-------	---	---

Captain Burrington's Bill for Cooley Hire,  
for the Commander in Chief in December  
and January — — 1,410 14 —

11 per Cent.	155	3	1
--------------	-----	---	---

1,566 1 1

5,725 3 9

Feb. Mr. Cobham's Disbursements, as above

March. D°, his D° for D° — — 4,592 9

Captain Burrington's Bill for Sweepers with  
General Barker, from 1st September 1771  
to 31st March 1772 — 139 8 —

Captain Cockerell's D <sup>o</sup> for Beasties and Gurrymen at Head Quarters in Febru- ary and March	—	300	—	—
--	---	-----	---	---

D <sup>o</sup> , for Dawk Hircarrahs,	345
for January, D <sup>o</sup> and D <sup>o</sup>	— —

Lieutenant Cockerell's Bill,  
for Coolies, Hackeries,  
Camels, and Bullocks,  
with General Barker, in  
February and March — 1,475 13 —

Ditto, for Cooley Hire for			
D <sup>o</sup> , in D <sup>o</sup> and D <sup>o</sup>	—	2,067	2 8

Ditto, for Hackeries for D°,			
in January, D° and D° —	769	8	—

Ditto, for Stationary for the  
Dawks — — 36 — —

5,132 15 8

11 per Cent. 564 10

5,697 9 9

10,290 2 10

April. Mr. Cobham's Disbursements for Boats, &c. for the Com-  
mander in Chief and his Suite — 4,362 10 9

The Boat Disbursements for April being missing, this Sum is taken at a Medium from the Amount of those for March and May.

General Barker's Salary as Commander in Chief, from 1st December 1769 to 1st December 1771, at £. 750 per Annum — — 11,675 10 9

Table Allowance, from the  
1st January 1771 to 31st  
December following — 60,000 — —

Secret Intelligence from D°	8,000
to D°	—

**Captain**

# A P P E N D I X, N° 8.

1772. April.	Captain Cockerell's Bill for private Hircarrahs with the Commander in Chief	955	—	—					
	Ditto for Beasties and Gurrymen at Head Quarters	136	—	—					
	Ditto for Hand and Bullock Puckalls at D°	46	2	—					
	Ditto for Stationary for the Dawks	12	—	—					
	Lieutenant Cockerell's Bill for Charges incurred on Account of Commander in Chief's Equipage, in April, May, June, and July	1,524	8	—					
	Captain Burrington's Bill for Coolies and Hircarrahs with the Commander in Chief this Month	1,374	—	—					
	Lieutenant Nichols for refitting the Commander in Chief's Quarters in December 1771	822	12	3					
		84,546	1	—					
	11 per Cent.	9,300	1	1					
		93,846	2	1					
		98,213	12	10					
May.	Mr. Cobham's Disbursements as above	4,142	12	4					
	Paid for Elephants, Camels employed with the Commander in Chief in 1771	3,108	—	—					
	Captain Burrington's Bill for Coolies employed at Head Quarters, Hackery Hire, &c. in April and May	636	—	—					
	Ditto for Coolies Hire, Bangy Wallahs, &c. with D°	728	—	—					
	Captain Cockerell's Bill for public and private Hircarrahs with D°	415	—	—					
	Ditto for Beasties and Gurrymen at Head Quarters	136	—	—					
		5,023	—	—					
	11 per Cent.	552	8	6					
		5,575	8	6					
		9,718	4	10					
June.	Mr. Cobham's Disbursements as above	4,043	11	7					
	Captain Cockerell's Bill for public and private Hircarrahs at Head Quarters	387	—	—					
	Ditto, Stationary for the Dawks in May and June	24	—	—					
	Ditto, for Beasties and Gurrymen at Head Quarters	136	—	—					
	Ditto, for repairing General Barker's Camp Equipage	676	8	—					
	Ditto, for Daily People employed for repairing D°	93	—	—					
		1,316	8	—					
	11 per Cent.	144	13	—					
		1,461	5	—					
		5,505	—	7					

# A P P E N D I X, N° 8.

1772.

July. Mr. Cobham's Bill, for Budgerows and Boats for the  
Commander in Chief and his Suite — 4,176 14 10.  
Extra Elephants with the Commander in  
Chief, from 1st January to the 30th  
June — — — 2,124 — —  
Quarter Master Nichols, for  
repairing the Commander  
in Chief's Quarters in Ja-  
nuary and February — 1,968 1 1

4,092 1 1  
11 per Cent. 450 2 1

4,542 3 2  
8,719 2

Aug. Mr. Cobham's Disbursements, as above — 4,193 9 3.  
General Barker's Table Allowance, from  
January to June 1772, in-  
clusive — — — 30,000 — —  
Secret Intelligence, from D°  
to D° — — — 8,000 — —  
Private Hircarrahs with D°,  
in July and August — 544 — —  
Captain Cockerell, for Dawk  
Hircarrahs with D°, in D°  
and D° — — — 230 — —  
Ditto, for Wax Cloth,  
Twine, &c. in D° and D° 296 — —

39,070 — —  
11 per Cent. 4,297 11 2

43,367 11 3  
47,561 4 5

Sept. Mr. Cobham's Disbursements as above, for  
this Month — — — 7,937 — —  
Captain Cockerell's Bill for Dawk Hircar-  
rahs at the Head Quarters 230 — —  
D°, for private D° at D° — 95 — —  
D°, for Beasties and Gurry-  
men at D° — — — 100 — —  
Wax Cloth, Twine, &c. — — — 12 — —

537 — —  
11 per Cent. 59 1 2

596 1 2  
8,533 1 2

Oct. Mr. Cobham's Disbursements as above — 4,376 15 7  
Captain Burrington, for Hackeries, Sweep-  
ers, Bildars, &c. at Head Quarters, for  
June, July, and August 1,283 8 1 —  
Captain Cockerell, for Pri-  
vate and Dawk Hircarrahs  
with the Commander in  
Chief — — — 325 — —  
Ditto, for Beasties and Gur-  
rymen with D° — — — 100 — —

1,708 8 1  
11 per Cent. 187 15 1

1,896 7 2  
6,273 6 9

Nov. Mr. Cobham's Disbursements, as above — 2,813 13 6  
Captain Fullarton, for making Purdas at  
Head Quarters — — — 38 8 —

Captain

# A P P E N D I X, N<sup>o</sup>. 8.

1772.

Nov.	Captain Cockerell, for Hircarrahs and Beasties employed at D <sup>o</sup>	—	425	—	—
	Captain Burrington, for building a Bungalow for the Commander in Chief at Shawabad	—	1,173	13	3
			1,637	5	3
	11 per Cent.		180	1	7
			1,817	6	10
			4,631	4	4

Dec.	Mr. Cobham's Disbursements as before	—	2,339	10	4
	Pay to sundry Lascars with the Commander in Chief, from 1st March 1771 to 1st September 1772	—	2,160	—	—
	Secret Intelligence, from 1st July to 31st December 1772	—	5,000	—	—
	Table Allowance, from D <sup>o</sup> to D <sup>o</sup>	—	30,000	—	—
	Captain Cockerell, for Private and Dawk Hircarrahs, Beasties, and Gurrymen, at Head Quarters	—	390	—	—
			37,550	—	—
	11 per Cent.		4,130	8	—
			41,680	8	—
			44,020	2	4

2,53,732 15 8

1773.

Jan.	Mr. Cobham's Bill as before	—	2,283	4	3
	Captain Cockerell's Bill for Hircarrahs employed with the Commander in Chief	—	255	—	—
	Ditto, for Beasties and Gurrymen with D <sup>o</sup>	—	100	—	—
	A Bill of Window Glafs furnished the General's House at Dinapore	—	911	13	4
			1,266	13	4
	11 per Cent.		139	1	2
			1,405	14	8
			3,689	2	9

Feb.	Mr. Cobham's Disbursements, as before	—	—	4,765	3 7
March.	Ditto his Ditto, as Ditto	—	—	4,348	15 7
	Captain Cockerell's Bill for Hircarrahs with the Commander in Chief, for February and March	—	682	—	—
	D <sup>o</sup> , for Beasties and Gurrymen with D <sup>o</sup> , in D <sup>o</sup> and D <sup>o</sup>	—	200	—	—
			882	—	—
	11 per Cent.		97	—	3
			979	—	3
			5,327	15	10

Mr.

# A P P E N D I X, N° 8.

1773.

April.

Mr. Cobham's Disbursements, as usual — 5,059 6 —

Captain Cockerell's Bill for Hircarrahs with  
the Commander in Chief 415 — —

Gurrymen — — 19 — —

434 — —

11 per Cent. 47 11 10

481 11 10

5,541 1 10

May.

Mr. Cobham's Disbursements as before — 4,458 3 9

Captain Cockerell's Bill for Hircarrahs  
and Gurrymen with the Commander in  
Chief — — 464 — —

Captain Burrington's D° for  
Coolies and Bildars with  
D° — — 991 8 —

Captain Fullarton's D° for  
Lascars attending at Head  
Quarters in March, April,  
and May — — 387 — —

Captain Burrington's Bill, for  
Bildars and Sweepers at  
D°, from September to  
May inclusive — 504 — —

Captain Cockerell, for Ele-  
phants and Camels with  
the Commander in Chief,  
from July to December  
1772 — — 1,532 — —

3,878 8 —

11 per Cent. 426 10 1

4,305 2 1

8,763 5 10

June.

Mr. Cobham's Disbursements as before — 6,682 14 10

Captain Cockerell's Bill for Dawk Ex-  
pences — — 162 — —

Ditto Ditto, his D° for D°  
Hircarrahs — — 273 — —

Captain Brown's Bill for  
People employed with the  
Commander in Chief — 72 — —

Captain Fullarton's Bill for  
Beasties employed at the  
Head Quarters — 144 — —

Captain Cockerell's Bill for  
Gurrymen, &c. — 464 — —

Ditto his D° for Elephants  
and Camels employed with  
the Commander in Chief 1,074 — —

Captain Burrington's Bill for  
Bildars and Coolies at  
Head Quarters — 836 8 —

3,025 8 —

11 per Cent. 332 12 9

3,358 4 9

10,041 3 7

July.

Mr. Cobham's Disbursements, as before — 4,973 14 8

Captain Cockerell's Bill for Hircar-  
rahs — — 42 — —

Captain Fullarton's Bill for  
Lascars employed at the  
Head Quarters — 286 — —

Another

# A P P E N D I X, N<sup>o</sup> 8.

1773.  
July.

Another Charge for Lascars, employed at the Head Quarters	—	—	286	—	—
Ditto for Beasties employed at D <sup>o</sup>	—	—	144	—	—
General Barker's Table Al- lowance, from 1st January to 30th June	—	—	30,000	—	—
Secret Intelligence, from D <sup>o</sup> to D <sup>o</sup>	—	—	6,000	—	—
Captain Burrington's Bill, for Copies and Bildars at Head Quarters	—	—	701	5	6
			37,459	5	6
11 per Cent.			4,120	4	4
			41,579	9	10
			46,555	8	6

August. Mr. Cobham's Disbursements, as before	—	3,737	13	7
Captain Cockerell's Bill, for Hircar- rahs	—	273	—	—
Ditto his Ditto, for Hircar- rahs, Gurrymen, &c. with the Commander in Chief, for July and August	—	886	—	—
Ditto, for Dawk Hircarrahs, Twine, &c.	—	60	—	—
		1,219	—	—
11 per Cent.		134	1	6
		1,353	1	6
		5,090	15	1

Sept. Mr. Cobham's Disbursements, as before	—	4,312	13	7
Captain Cockerell's Bill, for Hircarrahs, Gurrymen, &c. at Head Quar- ters	—	354	—	—
Ditto, for Dawk Hircarrahs, Paper, Twine, &c.	—	30	—	—
		384	—	—
11 per Cent.		42	3	10
		426	3	10
		4,739	1	5

Oct. Mr. Cobham's Disbursements, as before	—	3,456	2	11
Captain Fullarton's Bill, for repairing the Camp Equipage at Head Quar- ters	—	283	1	—
11 per Cent.		37	2	2
		314	3	2
		3,770	6	1

Nov. Mr. Cobham's Disbursements, as before	—	—	2,680	12	9
Dec. Pay to Lascars attending at Head Quarters	—	216	—	—	—
Ditto to 10 Beasties D <sup>o</sup> at D <sup>o</sup>	—	90	—	—	—
		306	—	—	—
11 per Cent.		33	10	7	—
		339	10	7	—

1,01,306 7 10



# A P P E N D I X, N<sup>o</sup> 8.

1774.

Jan. Captain Cockerell, for Hircarrahs and Gurrymen employed by the Commander in Chief, for October and November — — — 548 — —  
 General Barker's Table Allowance, from July to December inclusive — 30,000 — —  
 Secret Intelligence, from July to December — — — 3,000 — —  
 Captain Cockerell, for Bearers furnished D<sup>o</sup> — — — 141 5 —  
 — — — — — 33,689 5 —  
 11 per Cent. 3,706 12 6

37,396 1 6

Feb. Paid by the Military Paymaster General to Captain Charges for Bearers, Coolies, &c. attending General Barker to Camp from Mirzapore to Adanulla — — — 3,928 9 6

41,324 11 —

Current Rupees —

6,53,628 2 8

Fort William,  
 the 31<sup>st</sup> May 1779.

Errors excepted,

(Signed) John Carmichael,  
 By Mr Pay Genl.

# A P P E N D I X, N<sup>o</sup> 8.

Months in which the Charge is entered in the Paymaster's Disbursements.

An Abstract of Allowances drawn by Colonel Chapman whilst Commander in Chief, being from the 22d December 1773 to the 18th January 1774, and by Colonel Champion his Successor, from the 18th January to the 27th December 1774, with Expenses incurred upon their Account; as extracted from the Military Paymaster General's Books.

1774. Jan <sup>ry</sup> .	Table Allowance this Month to Colonel Chapman — 11 per Cent.	5,000 — — 550 — —	5,550 — —
	Colonel Champion's Table Allowance for Part of January — —	2,540 — —	
	Hircarrahs with D <sup>o</sup> — — — —	157 — —	
	Captain Macpherson's Bill for Beasties and Sweepers, with D <sup>o</sup> — — — —	134 — —	
Febr <sup>y</sup> .	Table Allowance to the Commander in Chief — —	5,000 — —	
March.	D <sup>o</sup> D <sup>o</sup> to D <sup>o</sup> — — — —	5,000 — —	
April.	D <sup>o</sup> D <sup>o</sup> to D <sup>o</sup> — — — —	5,000 — —	
	A Bill for Stores supplied I <sup>o</sup> — — — —	957 8 — —	
May.	Table Allowance to the Commander in Chief — — — —	5,000 — —	
	Gurrymen for D <sup>o</sup> — — — —	21 — —	
	Stores supplied D <sup>o</sup> — — — —	100 — —	
June.	Table Allowance to D <sup>o</sup> — — — —	5,000 — —	
July.	D <sup>o</sup> D <sup>o</sup> to D <sup>o</sup> — — — —	5,000 — —	
	Captain Macpherson's Bill for Writers, Stationary, and Candles, for the Commander in Chief's Office, in February and March — — — —	520 — —	
	Paid Lascars for D <sup>o</sup> , from February to June, inclusive — — — —	1,409 — —	
	Beasties employed by the Commander in Chief, from March to June, inclusive — — — —	837 — —	
	Coolies employed by D <sup>o</sup> , from February to D <sup>o</sup> , D <sup>o</sup> — — — —	4,210 1 9	
	Paid the Commander in Chief, 3 Bills for Dawks, in March, April, and May — — — —	6,862 — —	
	Paid D <sup>o</sup> for Hircarrahs, from February to June, inclusive — — — —	2,187 15 7	
	D <sup>o</sup> , D <sup>o</sup> , for Gurrymen, from D <sup>o</sup> D <sup>o</sup> D <sup>o</sup> — — — —	135 10 — —	
	D <sup>o</sup> D <sup>o</sup> for Hackeries, from March to June — — — —	973 10 — —	
	D <sup>o</sup> D <sup>o</sup> for 6 Tents, for the Commander in Chief's Family — — — —	1,650 — —	
	D <sup>o</sup> D <sup>o</sup> for 1 Desk, for D <sup>o</sup> D <sup>o</sup> , Office — — — —	215 — —	
	Sundry Boat Bills for the Commander in Chief's Family, Sonaut R <sup>o</sup> 507. This Charge I have not inserted, not being upon the Commander in Chief's own Account, nor drawn by himself.		
August.	Table Allowance to the Commander in Chief — —	24,000 5 4	
Sept.	Pay to Lascars for Commander in Chief, for July and August — —	558 — —	
	Artificers and Coolies, with D <sup>o</sup> in D <sup>o</sup> to D <sup>o</sup> — — — —	3,030 8 11	
	Colonel Champion Secret Intelligence, 6 Months — — — —	8,000 — —	

# A P P E N D I X, N<sup>o</sup> 8.

1774. Sept <sup>r</sup> .	Buxes given by Colonel Champion to Bearers and Coolies in his Way from Calcutta to Benares. — — — 327 — —			
	Hircarrahs in July and August — — — 1,035 — —			
	Gurymen in D <sup>o</sup> to D <sup>o</sup> — — — 44 — —			
	Hackeries in D <sup>o</sup> and D <sup>o</sup> — — — 600 — —			
	Boat Hire from January to July, inclusive — — — 8,911 — —			
	Sundry Boat Bills to Colonel Champion's Staff S <sup>r</sup> R <sup>e</sup> 1,800.			
	This Charge not inserted for the same Reason as before.			
			21,505	8 11
October	Colonel Champion's Bill for Writer and Stationary, from January to October. — — — 1,400 — —			
	D <sup>o</sup> Two Bills for Boats — — — 3,959 — —			
	Sundry Charges made by the Commissary of Supplies for Stores, furnished for his Use in August, September, and October (see his Disbursements for those Months) Sicca Rupees, 1,180, or — — — 1,233 2 5			
			6,592	2 5
Nov <sup>r</sup> .	Lascars employed by Colonel Champion this Month — — — 279 — —			
	Artificers and Coolies by D <sup>o</sup> in D <sup>o</sup> — — — 208 — —			
	Gurymen — by D <sup>o</sup> in D <sup>o</sup> — — — 22 — —			
	European Writer by D <sup>o</sup> — — — 140 — —			
	Hircarrahs by D <sup>o</sup> — — — 339 — —			
	Boats by D <sup>o</sup> — — — 1,273 — —			
	Sundry Boat Bills drawn by Staff, Son <sup>t</sup> R <sup>e</sup> 1,080.			
	This Charge not inserted for the same Reason as before.			
			2,261	
Dec <sup>r</sup> .	Commander in Chief's Salary for 11 Months — — — 5,500 — —			
	Table Allowance for September, October, November, and December — — — 20,000 — —			
	Lascars, with Colonel Champion for December — — — 145 13 3			
	D <sup>o</sup> with D <sup>o</sup> , for September — — — 279 — —			
	Coolies employed by D <sup>o</sup> in December — — — 38 5 4			
	D <sup>o</sup> D <sup>o</sup> , by D <sup>o</sup> in September — — — 1,085 — —			
	Secret Services, Five Months — — — 6,666 11 —			
	Hircarrahs for September and December — — — 1,138 — —			
	Writer and Stationary — — — 140 — —			
	Gurymen for September and December — — — 44 — —			
	Boat Hire paid this Month to his Staff Son <sup>t</sup> R <sup>e</sup> 1,620.			
	This last Charge not included, see above.			
			35,036	13 7
1775. Jan <sup>r</sup> .	Lascars employed by the Commander in Chief for October — — — 279 — —			
	Artificers with D <sup>o</sup> in D <sup>o</sup> — — — 879 — —			
	Mr. Murray's Bill for Dawk Expences with the Commander in Chief, from June to October, Sonaut R <sup>e</sup> 14,605.			
	Not included in the Abstract.			
	Captain Shewen, Four Bills for Hircarrahs, Hackeries, &c. with the Commander in Chief, in October — — — 1,115 — —			
			2,273	
			1,25,578	6 3

N. B. As the Contractor's Bill do not specify the Number of Elephants, &c. allotted for the Service of

# A P P E N D I X, N° 8.

the Commander in Chief, they cannot be inserted in this Account.

Batta, 11 per Cent. — 13,813 9 10

1,39,392 — 1

Current Rupees —

1,44,942 — 1

Fort William,  
the 31st May 1779.

(Signed) Errors excepted.  
John Carmichael,  
Dy M<sup>r</sup> Pay<sup>r</sup> Gen<sup>l</sup>.

Extract of the Proceedings of the Board of Inspection at Fort William in Bengal, the 19th August 1779.

Read the following Letter from the Military Paymaster General.

To the Honourable Warren Hastings, Esquire, Governor General, and the other Members of the Board of Inspection.

Honourable Sir, and Sirs,

I was honoured with your Commands, transmitted me by your Secretary in a Letter I received from him, dated the 17th June, calling upon me to defend and explain the Account of the Allowances and Contingent Charges of the different Commanders in Chief, which I laid before you in my Address of the 8th of May last, as you had observed that the Accounts prepared by my Deputy, similar to those you had required of me on the 22d of April last, amounted to more than double that of the Accounts which I had delivered in to you.

In Compliance with your Orders, I have carefully perused and examined the Two Accounts, and have formed an Account of Adjustment which will point out to you, how so considerable a Difference has arisen.

I also beg Leave to enclose you the following Accounts of Particulars referred to in that Adjustment.

First, An Account of sundry Sums omitted to be inserted in the Account of the Allowances, &c. drawn by the Commanders in Chief, prepared in my Office, inclosed in my Letter to your Secretary, dated the 8th of May last.

Secondly, An Account of sundry Sums entered in that Account, which does not appear to belong to it.

Thirdly, An Account of sundry Sums omitted by Mr. John Carmichael, Deputy Military Paymaster General, in the Accounts of the Commander in Chief's Allowances and Contingent Charges, which he drew out.

Fourthly, An Account of sundry Sums he entered in that Account, which do not belong to it.

Having now fully accounted to you for the Difference, I beg Leave to lay before you another Account of the General's Allowances and Contingent Charges, which you required, as I think it ought to stand. Your Honourable Board must determine how far it is right or not, as I have found it from the Adjustment above-mentioned, rejecting all the Articles which were liable to Objection, and including such as had been left out in the former Accounts.

I am extremely sorry, Gentlemen, that the Account I at first delivered in to you, proved so very imperfect and unsatisfactory; and the only Excuse I have to urge in my own Vindication, is, that when I was favoured with your Orders upon that Subject, I was engaged in other Branches of the Business, which required all my Attention, and I could not spare that Time that was necessary, for the Performance of so laborious and voluminous a Task, as the Perusal of the Disbursements of this Office for upwards of 14 Years past; and I naturally looked upon it as the Duty of the Accountant, being the fittest Person under me to undertake Business of that Nature; but could I have possibly conceived that such a Darkness and Confusion had run through great Part of the Records of those Days, and that the Task had been so extremely difficult and intricate, I would most undoubtedly have done it myself.

The new Accounts which I have the Honour to enclose you, consist of a General Abstract of the Allowances drawn by the Commander in Chief, from the 1st of January 1763 to the 1st of September 1777, with 8 Accounts of Particulars drawn by each Commander in Chief.

I have the Honour to be, with the greatest Respect,

Calcutta,  
the 4th August 1779.

Your most obedient Servant,  
(Signed) Will<sup>m</sup> Pawson,  
M<sup>r</sup> P<sup>r</sup> M<sup>r</sup> G<sup>l</sup>.

Ordered, That the above Letter, with the Accounts accompanying it, be sent in Circulation to the Members of the Board; and that Copies of the latter be entered after this Day's Proceedings.

SEL. COM. REP. V.

Z z

An

An Account of Adjustment between the Accounts of the Allowances and Contingent Charges drawn by the Commanders in Chief, as prepared in the Military Paymaster General's Office, and those which were prepared by Mr. J. Carmichael, D<sup>y</sup> Military Paymaster General, agreeable to the Orders of the Honourable the Board of Inspection, from the Year 1763 to September 1777.

<p>The Amount of the above Accounts of Allowances and Contingent Charges is, by the General Abtract delivered in to the Board by Mr. John Carmichael, Deputy Military Paymaster General, Current Rupees —</p> <p>He also enters in his Abtracts of the Allowances, &amp;c. drawn by Major Adams, Major Carnac, and Major Monro, fundry Sums, amounting to Current Rupees 52,768. 12. 8. which he ought to have entered likewise in the above-mentioned General Abtract; it is therefore to be considered as Part of its Amount, as the Sum Total of the 9 Abtracts of the Particulars drawn by each Commander in Chief, should have corresponded — — —</p> <p>Sum Total of Mr. Carmichael's Accounts —</p> <p>Add as follows:</p> <p>Amount of General Clavering's Allowance for One Month, omitted by Mr. Carmichael — — 5,000 —</p> <p>Ditto of fundry Errors he made too little in his Additions in the above Accounts — 1,969 —</p> <p>Amount he short-charged for Boats with the Commander in Chief, in July 1771 — 399 2 8</p> <p>Amount of fundry Articles he omitted to insert in his Accounts, as per accompanying Accounts of Particulars — — 1,34,099 6 10</p> <p>Deduct as follows:</p> <p>Mr. Carmichael over-charged in the above Accounts owing to an Error on inserting Sonaut Rupees 11,675. 10. 9. instead</p>	<p>24,03,923 3 —</p> <p>52,768 12 8</p> <p>24,56,691 15 8</p> <p>1,41,467 9 6</p> <p>25,98,159 9 2</p>	<p>The Amount of the above Accounts of Allowances and Contingent Charges, as prepared in the Office of the Military Paymaster General, and delivered by him to the Honourable the Board of Inspection, on the 8th of May 1779, is —</p> <p>Add as follows:</p> <p>Amount of fundry Errors committed in the Additions and in the Calculation of Batta in the above Accounts — — 3,803 4 11</p> <p>Amount omitted to be inserted in the above Account, as per accompanying Account of Particulars — — 4,15,659 4 10</p> <p>Amount of Profit upon the Monopoly of Salt, and the Commission on the Revenues — — 5,37,347 14 1</p> <p>The Amount of General Smith's Expenses during his Command of the Army, as Commander in Chief, from the 1st of August 1769, at a Medium amounting to 5,200 per Month, is 36 Months, Sonaut Rupees 1,87,200 — — 2,07,792 —</p> <p>Deduct as follows:</p> <p>The Amount of General Stibbert's Salary entered in the above Accounts, which was not required by the Board — — 2,42,832 1 5</p> <p>The Amount of General Clavering's Allowance for One Month, over-entered in the above Accounts — — 5,000 —</p>	<p>11,86,753 14 6</p> <p>11,64,602 7 10</p> <p>23,51,356 6 4</p>
--	--	---	--

## A P P E N D I X, N° 8.

of Current Rupees 11,675. 10. 9. for General Barker's Salary as Commander in Chief, from the 1st of December 1769, to the 1st of December 1771		1,284 5 2	
He also entered sundry Articles in his Accounts, which do not appear to be Charges belonging to the Commander in Chief, as per accompanying Account of Particulars			
		3,71,517 13 5	
He also charged in his Accounts sundry Articles, consisting of Prefents, &c. which form Part of the Disbursements delivered in to the Board by General Smith, on the 1st of August 1769, which cannot be considered as Charges belonging to the Commander in Chief			
		1,38,312 10 6	
D <sup>o</sup> D <sup>o</sup> sundry Articles for Dawks, &c. which do not belong to the above Account		3,399 14 4	
		5,14,514 11 5	
		20,83,644 13 9	

The Amount entered in the above Accounts which are not Charges belonging to the Commander in Chief (as Dawk Hircarrabs, &c.) as per accompanying Account of Particulars		19,879 7 2	
		2,67,711 8 7	
		20,83,644 13 9	

Fort William,  
the 4th August 1779.

## Errors Excepted.

(Signed)

William Pawson,  
M<sup>y</sup> P<sup>r</sup> M<sup>r</sup> Gen<sup>l</sup>.



## A P P E N D I X, N<sup>o</sup> 8.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 1st November 1779.

The Governor General moves, That the Resident at the Vizier's Court may be furnished with an Account of all the Extra Allowances and Charges of the Commander in Chief when in the Field, with Orders to add the same to the Debit of the Vizier's Account, as a Part of his General Subsidy. The Charge to commence from the Day on which the General shall pass the Carumnassa, and to continue till his Return to the same Line.

Mr. Francis—The specific Amount of the Vizier's Subsidy is fixed by the Treaty, and cannot be increased without his Consent. It is true, we may extort from him the Sum now proposed, or any other Sum we think proper, but it is against Justice, and I am sure will never be approved of by the Company; though it is proposed, I imagine, with a View of appearing to relieve them from the immediate Expence of those extraordinary Allowances, which the Governor General and Mr. Barwell have given to Sir Eyre Coote, against their positive Orders, and against Law. The Vizier has not invited Sir Eyre Coote into his Country, nor do I know of any Service which his Presence there can produce to the Vizier, which alone could furnish a Pretence for demanding any additional Subsidy from him. I am therefore against the Motion.

Governor General—This is strange Language, and what, though not unprecedented at this Board, I did not expect on the present Occasion, and with so little Provocation. When a Member of this Board shall take upon him to reprobate a Motion, either from the Head of this Department, who is compelled to propose what he thinks the Necessities of the Service require, and has not an Option to withhold it, or from any of the other Members of it, with Terms of Reproach and Obloquy, and to charge him with Extortion and Artifice, he ought at least to be certain of the Facts on which he grounds such severe Charges. The Ground assigned for those in the preceding Minute, is, that “the specific Amount of the Vizier's Subsidy is fixed by the Treaty.” I will not descend to copy Mr. Francis's Language or Manners in my Reply to this Assertion; but I will desire the Board to recollect, that the Subsidy, the specific Amount of which is fixed by the Treaty, appertains only to the Brigade stationed in the Province of Owde, and that an additional Force has since been joined to this, for the Defence of the Nabob's other Dominions; the Whole of which has been, and continues to be, borne by the Nabob with his Agreement. I know not how to distinguish between that Portion of the Expence attending the Command of these Forces, and that of the regular Brigade, since they are now blended in One Command by the Regulations lately formed; and as this whole Force is stationed there solely for the Service of the Nabob of Owde, the Expence ought, in my Opinion, to be solely his.

Mr. Francis—When the Weight of an Argument is felt, there is some Relief in cavilling about Terms. As to Language and Manners, I allow that the Governor General is perfect Master of both, whenever he is Master of himself. I leave the Style of the Two preceding Minutes to be compared and judged of by others. In Reply to the last, I shall only say, that I think my Objection is not answered. The Subsidy for the Brigade in the Field is fixed by Treaty; that, I presume, we are agreed, cannot be increased at our Discretion; but if we can increase the Vizier's Expence on Account of the other Troops commanded by British Officers in his Service, according to our Judgment, I imagine it amounts to the same Thing. We create new Establishments, of which he is not apprized; we send Officers into his Country whom he has not invited thither; and we tell him, that all this is done for his Service, and that he must pay for it. I know not by what Limits that discretionary Power, if exercised by us in one Instance, especially of such Magnitude as the present, can be restrained; the Vizier certainly, who is the principal Person concerned, has no Voice in the Question.

Mr. Wheeler—I am against the Question.

Mr. Barwell—I am for the Question. I have impartially considered the Arguments for and against it, and I am convinced that it will both have the Approbation of the Company, and be vindicated by the obvious Necessity that requires the Presence of the Commander in Chief in the Vizier's Dominions. Some Regulations and Orders that the Board have issued, have indeed, in their Operation, checked a few material Defects in the First Plan suggested, for giving the Nabob's Troops to British Officers uncontrouled in their Charges. These Orders have reduced them to our present Establishment, have totally annihilated those Contracts for Horses, for Bullocks, and the Liberty of charging Batta upon the Receipts of Money and our Tuncaws, as licensed by the Minister of our Government, at that Period. The great Relaxation which has been, proceeded from that Irregularity and Want of Command which the First System could not fail to produce, can never be effectually remedied by any Superintendence and Controul, at the Distance of 900 Miles; but I flatter myself that a local and spirited Discharge of that Duty which the Commander in Chief seems determined to execute, will effect the salutary Reform so much needed.

Agreed to the Governor General's Motion.

The following Letter is accordingly written to the Resident at the Vizier's Court.

Sir,

The Commander in Chief having thought it necessary to visit the different Stations of the Army we judge it proper that his Extra Allowances and Travelling Charges should be defrayed by the Vizier

Vizier, from the Period when he shall cross the River Carumnassa until the Date of his Return to the same. We therefore enclose an Account of the Establishment fixed for the Extra Disbursements of the Commander in Chief, while in the Field, and direct that you add the Amount thereof to the Debit of the Vizier's monthly Account of Military Charges, as a Part of his general Subsidy during the above Period.

Fort William,

1st November 1779.

We are, &c.

Resolved, That the Governor General be requested to write to the Vizier, in the Terms of the Motion.

Extract of the Proceedings of the Governor General and Council, at Fort William in Bengal, in their Public Department, 20th December 1779.

Read a Letter from Mr. Purling, as follows:

Honourable Sir, and Gentlemen,

I have been this Day honoured with your Letter of the Instant, directing me to include in the Vizier's Account Current, the Allowances to the General after his passing the River Carumnassa.

The Nabob being with me on the Arrival of the Letter, I made him acquainted with your Directions. He made no Manner of Objection to it; but on the contrary said, it was what he had always been used to allow to other Officers, commanding in his Provinces, in a more liberal Manner than was now prescribed to him on the General's Account; he regretted, that it was not left to him, as he would have made it double.

I am, &c.

(Signed)

C. Purling.

Lucknow,

23d November 1779.

Resolved, That the following Reply be written to Mr. Purling:

Sir,

We have received your Letter of the 23d ultimo, in which we observe you say, that the Nabob informed you, "It was what he had always been used to allow to other Officers, commanding in his Provinces, in a more liberal Manner than was now prescribed to him on the General's Account." We desire you will ascertain and report to us, what the Nabob alludes to by this Assertion, as no Demand of this Nature was ever made upon him by our Authority, nor any such Payment or Receipt entered in his Accounts. We also desire to know the particular Allowances which he has made to Officers in that Station, and the specific Amount of each nominally.

Fort William,

20th December 1779.

We are, &c.

Extract of the General Letter from Bengal, dated the 14th January 1780.

Par 59. General Sir Eyre Coote deeming it necessary to visit the different Stations of the Army, in order to form such Military Arrangements as the Service may require, and to attend to the Introduction of a new Plan of Regulations for the Improvement of your Forces on this Establishment, which has been recommended by him, revised by us in the Military Department, and proclaimed by our Authority, left the Presidency for that Purpose in September last, and is now at Allahabad or Lucknow.

60. As the Presence of the Commander in Chief will be mostly confined to the grand Posts of the Army in the Dominions of the Vizier, we thought it but just to include the Field Allowances and travelling Charges which had been annexed to his Station by our Resolution in the Inspection Department in our Demands upon the Vizier, from the Date of his passing the Carrumnassa, as the Vizier, exclusive of the fixed Subsidy for One Brigade stationed for the Defence of his guaranteed Dominions, is bound to discharge the actual Expences of all the Troops employed for the Protection of the Countries lying beyond that Line. We therefore wrote to the Resident to this Effect, and he has acquainted us with the Vizier's ready Assent to his Proposal.

112. Strong Objections having been made to the Allowances, which we informed you in our Address of the 2d of April last, had been allotted for the Commander in Chief when in the Field; and as you may be desirous of forming your Judgment of the Propriety of them on a Comparison of their Amount with the various Articles of fixed and contingent Allowances drawn by his Predecessors in the chief Command of the Military Establishment of this Presidency when in the Field, the Governor General proposed, and it was ordered, that Abstract Accounts should be compiled by the Military

Gen. Com. Rep. V.

3 A

Paymaster

## A P P E N D I X, L<sup>o</sup> 3.

Paymaster General, of all the Allowances and contingent Charges, of whatever Nature, which had been drawn by the different Commanders in Chief since the Year 1763 to the Commencement of Brigadier General Stibbert's Command; specifying the gross Amount of each Article drawn by each ~~Commander in Chief respectively~~, the Time for which it was drawn, and the Amount of such Parts of the general Charges of the Army, as were appropriated to the particular Rise of the ~~Commander in Chief~~. Our Opinions on the Governor General's Motion are recorded in the same Day's Consultation.

Extract of the Proceedings of the Governor General and Council at Fort William, in their Secret Department, 3d April 1780.

Read the following Letter and Enclosures from Mr. Purling.

Honourable Sir, and Gentlemen,

I have been duly honoured by the Receipt of your Letter of the 20th ultimo, requiring that I will ascertain and report to your honourable Board, what the Nabob alluded to by his Assertion that, "he had made more liberal Allowances to other Officers commanding in his Provinces, than was now prescribed him on the General's Account."

Enclosed I have the Honour to transmit you Copy of my Letter to the Nabob upon the above Subject, and his Answer, in which he accounts for the Delay which has happened in obtaining it.

I am, &c. &c.

Lucknow,

26th January 1780.

(Signed) C. Purling.

Enclosures in a Letter from Mr. Purling.

N<sup>o</sup> 1. Copy of a Letter from the Nabob Ummeer ul Dowla, Cutubul Moulk, Mr. Purling, Behadre, to the Nabob Vizier, dated the 23d Zeheija, 2d January 1780.

I wrote you on the Subject of the Expences of the Nabob Inseem ul Dowla, General Sir Eyre Coote, Behadre, at the Time I received Orders from the Council, that from the Time of the General's crossing the Carumnaffa, his Expences should be written in your Highness's Accounts; and you said in Answer, that if the Council had written in these Terms to your Highness about the General's Expences, and had left the Power of it to you, you would even have given him more for his Expences than the Council should have directed, as you do to other Gentlemen. I am entirely ignorant of the Purport of your Answer, and request your Highness will be pleased to explain it to me.

N<sup>o</sup> 2. Letter from the Nabob to Mr. Purling.

I have received your Letter informing me, &c. (repeating Mr. Purling's Letter.)

Sir, I said that it was unnecessary for the Gentlemen of the Council to write thus about the Allowance to the General, as they never before had done it in any Instance. As the Friendship between me and the English Gentlemen is very intimate, I should of my own Accord have supplied the General with every Thing necessary. What you write that I should inform you of other Particulars, is not proper; but on the contrary, very improper. I never gave any thing to the English Gentlemen, and if I had given any thing I should never mention it. The Enquiry into these Matters is very improper in you. I have been long in answering your Letter, on account of the Fast of the Mohurram.

Extract of the Company's General Letter to Bengal, 18th October 1780.

Par. 4. Your Proceedings relative to several extra Allowances granted to Sir Eyre Coote, have been but a few Days before us; by an early Opportunity we shall give you our Sentiments and Instructions fully upon that Subject. At present we only observe, that these Allowances appear to us in a Light so very extraordinary, and so repugnant to the Spirit of a Resolution of the General Court of Proprietors, respecting the Allowance made to General Clavering, that we positively direct that they be discontinued immediately, and no Part thereof paid after the Receipt of this Letter.

A P P E N D I X,

## A P P E N D I X, N<sup>o</sup> 9.

Copy of the 60th Article of the Company's General Instructions to the Governor General and Council of Bengal, of the 29th March 1774.

**W**E hereby direct, that the Commander in Chief of the Company's Forces in India be permitted; when in Bengal, to enjoy the House in Calcutra usually assigned to and occupied by the Superior Military Officer of our Troops in that Province; and that when our Commander in Chief shall be sent upon the Company's Service to any of our other Presidencies, an House suitable to his Rank be likewise assigned for his Use during his Residence at such Presidency; and that there be paid to him the Sum of £. 6,000 Sterling per Annum, in full for his Services as Commander in Chief, and in lieu of travelling Charges, and of all other Advantages and Emoluments whatever, except the Salary of £. 10,000 per Annum, established by Law, and ordered to be paid to him as one of the Council at Fort William in Bengal.

## A P P E N D I X, N<sup>o</sup> 10.

Extract of Letter from the Court of Directors to the Governor General and Council at Fort William; dated 28th November 1777.

Par. 49. **I**N the 31st Article of our Instructions, dated the 29th March 1774, we recommended the strictest Frugality in your Approval of Salaries to be paid by the Company to the Officers of the Supreme Court of Judicature. Upon the Receipt of your Advices, specifying the Amount of Fees and Salaries appointed and annexed to the said Officers, we expressed our Opinion, that they were very high, but acquiesced therein for the present; suggesting, however, our Hopes, that in case any Alteration should take place, you would not agree to any Plan that should not be formed with more Economy, until you should have transmitted the same to us for our final Determination.

Par. 50. The 11th Paragraph of your Letter of the 12th of February 1777 informs us, that the Judges had sent you a List of additional Offices, and a Proposal to encrease the Fees to other particular Offices already established; and, to our Astonishment, we find that you have approved the Proposal of the Court, and granted your Consent to the Encrease of Fees and additional Establishments.

Par. 51. And here we have to lament, that the same Majority of Council, whose Conduct we have so highly censured, have again exercised their Authority in manifest Disregard of the Intimations given in our Instructions, and in Opposition to the most unanswerable Arguments urged to the contrary by General Clavering and Mr. Francis; who had also protested against the unreasonable and excessive Salaries and Emoluments, as established by the Judges of the Supreme Court of Judicature for the Officers of that Court at its first Institution.

Par. 52. We observe it stated by Mr. Francis, that the Salaries of the Officers of the Court, exclusive of the Judges themselves, as they stood before the late Addition, amount to Current Rupees 1,23,436, besides their Fees; to this must be added House Rent, at the Rate of Current Rupees 4,428 per Annum, and contingent Charges, which are indefinite. It is now proposed to hire another House, which he concludes will not be done for less than 500 Rupees a Month; and he states the Expence of the new Officers Salaries at upwards of Thirty-two thousand Rupees per Annum, besides the additional Allowance of Fees.

Par. 53. When we consider this Profusion of Expence, we cannot but express our Concern, that the Power of granting away our Property in Perpetuity, should have devolved upon Persons whose Compliance to the Court has, in our Opinion, exceeded their Attention to the Interest of the Company.

P R O C E E D I N G S of the Governor General and Council, in consequence of the Court's Orders of 4th March 1778, for commencing a Suit against Mr. Barwell.

Copy of the 97th Paragraph of the Company's General Letter to Bengal, dated 4th March 1778.

As Mr. Barwell has acknowledged that the Salt Mahls of Savagepore and Selimabad belonged to him, that he relet them to Kojah Kaworke, in the Names of Bussunt Roy and Kissen Deb,

on Condition of his accounting with him (Mr. Barwell) for the Profits to a certain Amount; as he has also declared, that if a Wish of adding to his Fortune has warped his Judgment, he will nevertheless submit all his Rights in the Salt Contracts to the Court of Directors; and that, if in our Opinion such Rights vest in the Company, he will account to us for the last Shilling, and abide implicitly by our Judgment; we therefore think it probable that Mr. Barwell, on being acquainted with our peremptory Orders for commencing a Prosecution, may be desirous of paying his Share of Profits on the Salt Transactions at Dacca into our Treasury; but should this be the Case, you must be well advised before you agree to receive the Money, that the Acceptance of any particular Share of the said Profits for the Use of the Company, will not prejudice their Claims upon any of the other Persons or Parties concerned, for the Remainder of the said Profits.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 5th October 1778.

The Secretary informs the Board, That he has caused the Paragraphs of the General Letter from the Honourable the Court of Directors, dated the 4th March 1778, to be distributed to the other Departments, as follows.

To the Board of Revenue, Paragraphs, 77, 78, 79, 92.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 11th January 1779.

Mr. Barwell delivers in the following Minute.

Mr. Barwell—My Silence on the Orders of the Court of Directors, as far as those relate to myself, has hitherto been influenced by the same Candour that led me to instruct my Agents in England to bring the Question forward, relative to the Right of the Company to the Advantages I am charged to have drawn from manufacturing the Salt at Dacca, while Chief at that Subordinate. Sir John Day, whose Arrival was daily expected, I wished to wait for, in order to avoid the Appearance of participating this Question to a legal Decision. A few Days now must either land Sir John Day in Bengal, or bring certain Intelligence that he has been intercepted in his Passage, and is not to be expected, having failed in the Southampton in Company with the Nassau, Ten Days before the Besborough left the Coast, which last Ship has been arrived here upwards of Twelve Days.

To continue silent any longer might be interpreted a Wish in me to decline the Trial that, through my Agents in England, I have demanded; a Wish the most distant from my Thoughts, for I desire nothing more ardently. Confident, that whether the Right of the Company to claim from me shall or shall not be established, it affords me the only Opportunity I can have to vindicate my Fame, and dispel the Cloud Artifice has thrown over this Transaction.

Was I to answer the Claim of the Company, it would indeed relieve me from the Trouble of vexatious Litigation, but the End would not be answered by my Compliance; so far from it, the very Compliance would be urged as a Confession of Delinquency on my Part, and to proceed from Conviction of my having usurped on the Rights of the Company. Though I would with Pleasure sacrifice my whole Fortune to insure the good Opinion of the World, I would not, to purchase Ease to myself, forfeit that Opinion. If I have encroached on the Rights of the Company; if I have benefited myself at their Expence, the Fact will be easy to establish. I have no Choice left (for as no Merit has been given me for the Offer I made to submit myself to the Company, and as a most unjustifiable Advantage has been attempted to be made of that Offer, by first declining it and descending to Abuse, and then giving Orders upon it as if it had not been rejected, when called upon by me, in the Person of my Agent, to bring Home the Charge of Delinquency) but to appeal to the Laws of my Country; those, I flatter myself, will decide the Question unequivocally; and should their Decision deduct from my Fortune, I am satisfied they will likewise do Justice to my Character, which has been both unfairly and injuriously treated.

As the State of my Health has long since rendered it necessary for me to return to Europe, I have waited only for a proper Opportunity. The Season is now far advanced, and will not allow me much longer Time to take my Resolution (essentially as I ought to consider myself concerned in whatever Arrangement may have been made for the Constitution of the new Government.) I could therefore wish the Claim made upon me by the Court of Directors, in their Letter of the 4th March 1778, brought as speedily to Issue as the Forms of a Court of Justice will admit; and in consequence move, That it be immediately submitted to the Company's Lawyers, and that they be properly instructed to prosecute upon it.

Mr. Francis—The same Motive which appears to have had Weight with Mr. Barwell, has hitherto restrained me from moving to carry the Company's Orders into Execution; I mean the Absence of the Company's Advocate General, whose Advice and Assistance we are expressly referred to. I can have no Objection to the Motion; hoping still that Sir John Day will arrive Time enough to take Charge of the Proceedings. As an Amendment, or rather an Addition, to Mr. Barwell's Motion, I beg



beg Leave to move, That it be extended to all the Persons mentioned in the Company's Orders above quoted.

Mr. Barwell—I could wish Mr. Francis to decline his Amendment, and to allow my Motion to stand simply as proposed; and I am willing to flatter myself with his Acquiescence. I do not imagine he thinks there is any urgent Necessity to induce him to insist upon it.

Governor General—I agree to Mr. Barwell's Motion. That introduced by Mr. Francis, I consider as a new Question, totally foreign from the original one; and I object to it for the following Reasons: The Prosecution cannot be conducted, either so ably or effectually, under the present Constitution of our Law Department, as by the Advocate General appointed by the Company. Should any material Defect or Omission be found in the First Process, I much fear, from the Prejudices with which the Acts of Part of this Administration have been examined at Home, that they will be impured to Design. Besides, I cannot agree to involve Mr. Barwell's Prosecution with that of others, and to make him the ostensible Instrument of them, by ordering them, in consequence of a Proposal made by him. Many Suits commenced at the same Time, under our present Want of Knowledge in legal Forms, would only serve to embarrass, and give Occasion for the Defects of which I have expressed an Apprehension. I do not think that it is so likely to prove the Case if the Suit against Mr. Barwell be singly undertaken; and before much Progress can have been made in it, it is very likely that the Board will be furnished with the Relief and Aids expected from Sir John Day's Arrival. His Passage has not yet been unusually long for the Season of the Year in which he embarked. Whenever he arrives, I will promise to be the first, if I am permitted, to renew the Motion now made by Mr. Francis.

Mr. Francis—I acquiesce.

Mr. Wheeler—I agree to Mr. Barwell's Motion.

Agreed to Mr. Barwell's Proposition, and ordered accordingly.

Ordered, That the Secretary do notify to the Secretary to the Revenue Department, that the Board have resolved, in Conformity to the Orders of the Court of Directors of the 4th March, to prosecute the Company's Claim on Mr. Barwell, in the Supreme Court of Judicature: That the Commissioner of Law Suits must therefore be furnished with such Informations and Documents from the Revenue Department as may be necessary for conducting the Suit.

Ordered, That the Commissioner of Law Suits be also advised of the Board's Resolution.

Extract of the Diary of the Commissioner of Law Suits, at Calcutta in Bengal, 13th January 1779.

Received the following Letter from the Secretary to the Honourable the Governor General and Council.

To George Bogle, Esquire, Commissioner of Law Suits.

Sir,

I am directed by the Honourable the Governor General and Council, to acquaint you with their Resolutions, "That the Claim made upon Mr. Barwell by the Court of Directors, in their Letter of the 4th March 1778, shall be immediately submitted to the Company's Counsel, and the Attorney properly instructed to prosecute him upon it." You will therefore receive Instructions to this Effect from the Secretary of the Revenue Department, with such Informations and Documents as he may be able to furnish you with, for the Execution of them.

Council Chamber,  
the 11th January 1779.

I am, Sir,

Your most obedient humble Servant,

(Signed)

J. P. Auriol,

Secy.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Revenue Department, the 19th January 1779.

Read the following Letter from the Secretary of the General Department.

George Hodgson, Esq<sup>r</sup> Secretary to the Revenue Department.

Sir,

The Honourable the Governor General and Council, in consequence of the following Motion from Mr. Barwell, "That the Claim made upon him by the Court of Directors, in their General Letter of the 4th March 1778, be immediately submitted to the Company's Lawyers; and that they may be properly instructed to prosecute upon it;" having resolved to prosecute the said Claim in the Supreme Court of Judicature, I am to desire that you will furnish the Commissioner of Law Suits with Instructions to the Effect of the Motion, and such Documents and Information as may be necessary for the Purpose intended.

Council Chamber,  
11th January 1779.

I am, &c.

J. P. Auriol,

Secretary.



A P P E N D I X, N<sup>o</sup> 10.

The Secretary acquaints the Board, that immediately on the Receipt of the foregoing Letter, he caused the necessary Papers and Information for the Guidance of the Commissioner of Law Suits to be prepared; that they are now ready, and will be transmitted to the Commissioner with Instructions, to the Effect of the Board's Resolution, in the Course of this Day.

Extract of Diary of the Commissioner of Law Suits at Calcutta, 20th January 1779.

Received the following Letter from the Secretary to the Board of Revenue:

To George Bogle, Esquire, Commissioner of Law Suits.

Sir,

The Honourable the Governor General and Council having resolved, "that the Claim made by the Court of Directors upon Mr. Barwell, in their Letter of the 4th March 1778, be immediately submitted to the Company's Lawyers, and that they may be properly instructed to prosecute upon it in the Supreme Court of Judicature," I am to desire that you will prosecute the said Claim accordingly. For this Purpose you will herewith receive an Extract of the Company's General Letter of the 4th March 1778, with the Opinions of the Company's Standing Counsel and Solicitor, referred to in it; together with such other Papers and Documents as appear to me necessary for your Information and Guidance. Should any further Materials appear to you necessary for the Prosecution of this Cause, I request that you will be pleased to inform me, that they may be furnished you accordingly.

I am,

Sir,

Revenue Department

Fort William,

19th January 1779.

Your most obedient Servant,

(Signed) Geo. Hodgson,

Secretary.

Extract of Diary of the Commissioner of Law Suits at Calcutta, the 22d January 1779.

In Consequence of the Letter from the Secretary to the Board of Revenue, of the 19th Instant, gave the following Instructions to the Company's Attorney:

Mr. Naylor.

Sir,

The Honourable Governor General and Council having resolved, "that the Claim made by the Court of Directors on Mr. Barwell, in their Letter of the 4th March 1778 (Extract of which goes enclosed) be immediately submitted to the Company's Lawyers, and that a Prosecution be forthwith commenced against Mr. Barwell, in the Supreme Court of Judicature," I now transmit to you the Proceedings of the Board, and other Papers relative to this Claim, agreeable to the enclosed List, as Materials for instituting a Suit in pursuance of the Orders of the Court of Directors, and the Honourable Board.

I am, &c. &c.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Public Department, the 15th March 1779.

Mr. Barwell—I have already expressed my Wish, that the Claim made upon me by the Court of Directors, in their Letter of the 4th March 1778, might be brought as speedily to Issue as the Forms of a Court of Justice would admit; and on the 11th January last it was resolved and ordered, that a Prosecution should be immediately commenced to establish the Rights of the Company. As a Delay proves vexatious to me, in the greatest Degree, I think it necessary, after having waited Two Months, to remind the Board of their Resolution of the 11th of January, and to desire that it may be repeated, both to the Attorney at Record, and Sir John Day, the Advocate General.

Resolved, In the Terms of Mr. Barwell's Motion.

The Governor General—I move, that Copies of the 77th, 78th, and 79th Paragraphs of the General Letter of the 4th of March, together with the Report of the Company's Solicitor General, of the be delivered to our Advocate General; and that he be directed to conduct the Prosecution ordered by the former; and that the Secretary to the Revenue Department do furnish him with all the Evidences contained in the Consultations of his Department, which may serve to establish the Company's Claims on the several Persons who are the Objects of them, and at this Time subject to the Jurisdiction of the Supreme Court.

Resolved according to the Governor General's Motion. The Secretary is therefore directed to issue the necessary Orders to the Advocate General, and to the Secretary of the Revenue Department.

Extract

# A P P E N D I X, N° 10.

Extract of the Proceedings of the Governor General and Council, in their Revenue Department,  
18th May 1779.

The Secretary lays before the Board the following Letter, which he has received from the Company's Attorney.

To Geo. Hodgson, Esquire, Secretary.

Sir,

I must request that you will inform the Honourable Board, that in the Suit which I have lately been directed to institute against Mr. Barwell, it is the Opinion of the Advocate General that it cannot with Propriety be instituted against Mr. Barwell alone, but must be brought against all the Gentlemen pointed out, as well by Mr. Smith, the Company's Solicitor in England, in his Report, as by the General Letter of the Honourable the Court of Directors. It would not be sufficient that Mr. Barwell would stand forth, and take upon himself the whole Responsibility, if other Persons appear to be interested. It is a Principle in Equity, that all interested Parties must be before the Court, or otherwise they will not make a Decree. The Court will, in all such Cases, know who were the Parties engaged, and judge who ought to be the responsible ones. I beg therefore to be favoured with the Resolutions of the Honourable Board, whether I am to file the Bill against all these Gentlemen now in Bengal, who appear to have been concerned in the Transaction.

I am,

Sir, &c.

Calcutta, 14th May 1779.

(Signed)

N. Naylor,  
Attorney to the Honourable Comp<sup>y</sup>.

Ordered, That the Attorney be informed, that the Board approve of the Mode which he has recommended; but they leave it to him to adopt that, or any other, which may be best calculated to answer the Intentions of the Court of Directors relative to the Suit against Mr. Barwell.

Extract of the Proceedings of the Governor General and Council of Bengal, in their Revenue Department; dated 30th July 1779.

The Secretary lays before the Board the following Letter, which he has received from the Company's Attorney.

To Geo. Hodgson, Esquire, Secretary to the Honourable Board of Revenue.

Sir,

The Bill for the Recovery of the Monies received by the Servants of the Honourable Company from the Salt Farms in the Province of Dacca, being now prepared agreeable to the Instructions of the Advocate General, and in Conformity to the Report of the Solicitor at Home, includes no less than Seventeen Persons as Parties, most of them resident at different Parts of the Provinces, and some of them Natives of inconsiderable Note; in serving the Process of the Court on whom, great Difficulty and Delay may reasonably be expected. And as I am induced to collect, from the original Instructions of the Honourable and the Directions which I have since received to expedite the Suit, that it is not only their Wish, but their Expectation, speedily to receive a Decision thereon, I think it my Duty to apprize the Honourable Board of the above Circumstances before the Bill is filed, and some of the Parties served with Process to answer.

I am, &c.

Calcutta, 30th July 1779.

(Signed)

N. Naylor,  
Attorney to the Hon<sup>ble</sup> Compr.

Extract of Letter from the Governor General and Council of Bengal, in their Public Department, to the Court of Directors, dated 1st February 1779.

Par. 36. We beg Leave to point out to your Perusal, the Minutes noted in the Margin; by these you will be informed that Mr. Barwell, after having waited long in Expectation of the Arrival of Sir John Day, moved, that the Suit which you had ordered to be instituted against him, might no longer be delayed, as the State of his Health had long since rendered it necessary for him to return to Europe, and the Season being far advanced, did not allow him much longer Time to take his Resolution. The Governor General deeming it of the most essential Consequence to the Success of the Measures undertaken with Mr. Barwell's Sanction and Concurrence, to engage his Stay for the Support of them, earnestly intreated him to lay aside his Intention of going to Europe; which in Consequence he has accordingly done.

Extract

## A P P E N D I X, N<sup>o</sup> 10.—N<sup>o</sup> 11. (A)

Extract of Letter from the Governor General and Council of Bengal, in their Revenue Department,  
to the Court of Directors, dated 29th March 1779.

Par. 29. At the particular Instance of Mr. Barwell, we have directed your Attorney on Record to prosecute the Company's Claim upon him; and the Advocate General has been directed to bring this Matter to issue as speedily as the Forms of a Court of Justice will admit: We have also directed the Advocate General to commence and conduct the Prosecutions ordered in the 77th, 78th, and 79th Paragraphs of your General Letter, dated 4th March 1778.

Extract of Letter from the Governor General and Council of Bengal, in their Revenue Department,  
to the Court of Directors, dated 10th January 1780.

Par. 51. In the Paragraph of our Letter by the Gatton, we apprized you of the Suit which we had directed to be commenced against Mr. Barwell in Obedience to your Commands of the 4th March 1778. The Company's Attorney having acquainted us that it was the Opinion of the Advocate General, that the Suit could not with Propriety be instituted against Mr. Barwell alone, but that it must be brought against all the Gentlemen pointed out, as well by Mr. Smith, your Solicitor in England, in his Report transmitted to us, as by your Commands above quoted, and that it would not be sufficient that Mr. Barwell should stand forth, and take upon himself the whole Responsibility, if other Persons appeared to be interested; requesting at the same Time Instructions for his Guidance: We accordingly directed the Attorney to adopt any Mode which might appear to him best calculated to answer the Intentions of your Honourable Court, relative to the Suit against Mr. Barwell.

52. We have been since apprized by the Company's Attorney, that great Difficulty and Delay are likely to be expected in serving the Process of the Court on the Parties included in the Bill, which amount to no less than Seventeen Persons; most of whom are resident at different Parts of the Provinces, and some of them Natives of inconsiderable Note.

## A P P E N D I X, N<sup>o</sup> 11. (A)

Copy of a Letter from the Governor General and Council to Brigadier General Goddard, dated  
20th April 1780.

Sir,

**W**E now transmit you our Sentiments on the Subject of your Letter of the 29th January and 17th of February, which have not been replied to.

We are much concerned to observe, that your Conduct, which has been so deserving in general of our warmest Approbation, should, in some Instances, be less satisfactory to us.

Our Orders respecting the Pension you had granted to Ragoba, were positive and peremptory, and we expected you would have literally obeyed them; but we are concerned to find, by your Letters of 17th of February, that you even intended to advance him 50,000 R<sup>s</sup> for the Month of March. We now therefore repeat our Orders, and positively direct, that not a Rupee shall be advanced in future from your Treasury for the Supply of Ragoba. We informed you, in our Letter of 29th November 1779, that it was with the utmost Difficulty we are enabled to furnish Supplies for your necessary and unavoidable Expences; and we still hope, that on reconsidering this Part of our Letter, you have determined to pay a strict Obedience to our Orders.

We are pleased to observe that you have proposed to make certain Regulations for the Diminution of your Expences: Your Example and determined Resolution to check every unnecessary Charge, will, we hope, produce the desired Effect.

Our Resources are no longer equal to the Payment of your Army, without draining Bengal entirely of its Specie; nor can any Acquisition on the other Side of India compensate for the Distresses which a Continuance of the War, at the present Expence, would bring upon the Company; we therefore most earnestly recommend to you to observe the strictest Economy in your future Disbursements; and we shall point to you such Savings as we think may be made without Injury to the Service.

The 1st Regiment of Cavalry is kept up at a very heavy Expence, which we think has not been compensated for by any Services which it has performed, or to be expected from it in future; we therefore authorize and positively direct you to reduce this Regiment.

The Commander in Chief has communicated to us your Letter of the 4th of March, by which we find that Major Fullarton, with Eight Companies of Sepoys, was in Garrison at Ahmadabad. We direct,

## A P P E N D I X, N° II. (A) (B)

direct, if this has not been already done, that Futtu Sing be called upon to fix a Subsidy for the full Expence of these Troops, and of any other of our Forces which may be detached for the Defence of the Countries ceded to him, independent of the general Plan of the Campaign.

We wish you to return a Part or the Whole of the Fort Saint George Detachment, as soon as the Season will permit, and you can dispense with their Services, as the whole Expence of the different Corps will fall upon this Government, which is (as we must repeat) unequal to so accumulated a Charge.

We are, &c.

Warren Hastings,  
P. Francis,  
Ed. Wheler.

### ( B )

Extract of Secret Consultation, the 29th of May 1780.

P R E S E N T,  
The Governor General,  
Mr. Francis,  
and  
Mr. Wheler.

The Governor General delivers in the following Minute :

The Commander in Chief has repeatedly declared, That the Detachment now at Ghode, under the Command of Captain Popham, is unequal to the Services in which it has been employed, and of course much more unequal to that in which the Rana is desirous of engaging it; such has also been the declared Opinion of the Board. It is in its present Form, as it has already been observed, irreconcilable with the Treaty concluded with the Rana of Ghode; which apportions the Rate of the Subsidy which he is to pay for such Military Aid as is afforded him by this Government to Battalions of Sepoys on their present Establishment.

It will be recollected, that Captain Popham's Detachment was formed for a very different Service from that in which it is now employed, consisting of 2,000 Drafts, 40 European Artillery, a small Party of Horse, with Four light 6 Pounders, and a Howitzer. This Force was extremely well calculated for the Service originally intended to have been performed by it, and as ill calculated for the present. Instead of Four regular Battalions of 800 Rank and File, each with 8 Guns, the Rana has been furnished with 4 weak Corps of 600 Men each, 4 Guns, and a Howitzer, and a Body of Horse, which he neither wanted nor applied for, and which he will probably object to admit into the Account of his Subsidy.

On a Requisition from the Four Captains who commanded the Drafts in Ghode, to be permitted to encrease their present Corps to Battalions, the General observes to us, "that those Sepoy Drafts are supernumerary to the Establishment; and presumes Government has no Idea of augmenting their Number by completing them to the Strength of Four regular Battalions." From those Reasons, and from a Desire to contract our Expences by every reasonable Means, I submit to the Board the following Propositions :

1st. That Captain Popham's Detachment be relieved by Four regular Battalions of Sepoys with the Guns, &c. &c. viz. Three Battalions from Cawnpore, and the Battalion of Light Infantry from Chuckey.

2d. That Captain Popham, when relieved, shall march to Cawnpore; the Sepoys to be incorporated into such of our Battalions as may be in want of Men; the Cavalry to join their Corps; the Artillery to be disposed of as the Commander in Chief shall judge proper; and the Officers belonging to the Army in Guzerat to join it by such Routes as they shall judge most practicable.

3d. That the Staff Officers of Captain Popham's Detachment shall be ordered to do Duty, and to hold their present Appointments, in the Detachment which shall relieve them.

4th. That the Battalion of Light Infantry commanded by Captain James Brown, be ordered to march immediately to Ghode.

5th. That Major Camac be ordered to proceed immediately to Ghode, or wheresoever the Detachment may be which is to relieve Captain Popham, and to take the Command of it.

6th. That the Bullocks attached to the Guns of the Battalion and Stores, and to the 18 Pounders ordered to join Captain Popham's Detachment, be furnished by the Contractor from his present Establishment.

7th. That as a considerable Time will be lost if the Resolution of the Board respecting Major Camac and the Battalion of Light Infantry are carried into Effect through the official Channel of the Commander in Chief, who did not propose leaving Lucknow until the Commencement of the Rains; agreed, that the Orders to Major Camac and Captain Brown be immediately sent from the Board, and issued in General Orders.

A P P E N D I X, N<sup>o</sup> 11. (B)

8th. That a Copy of these Resolutions be immediately transmitted to the Commander in Chief, and that he be requested to issue the necessary Orders for forming the Detachment at Cawnpore, which is to relieve Captain Popham's.

I shall now beg Leave to offer a few Remarks on the Propositions.

By relieving Captain Popham's Detachment with Four regular Battalions, we strictly comply with the Terms of the Treaty and the Rana's Acquisition. It will prove a Reduction of our Expences, as the Battalions now proposed are at present upon a War Establishment, and the Subsidy will, or ought to defray every Expence of the Detachment. By employing Captain Brown's Battalion on this Service, we render a Corps formed for actual Service of real Use; at present it is in Cantonments, as the Purpose for which it was originally raised has been long since accomplished, and the Districts to which it principally appertained have been placed under the Controul of the Collector of Boglepore. Captain Crawford's Corps, which by the Regulations is to be completed to the Strength of a Battalion, which it may by a Part of the Drafts ordered now to be relieved from Ghode, will be fully sufficient for the Protection of Ramgur and the Jungleterry of Chucky.

With respect to Major Camac, I shall briefly observe, that I have recommended him for the Command of the Detachment which is to be employed in Ghode, because he belongs to the Brigade which is to furnish the principal Force of which it is to consist; because I know him to be peculiarly qualified for a Service of this Nature, to which such Requisites are essential, and because I believe the other Members of the Board entertain a similar Opinion of him.

Agreed to the Proposition recommended by the Governor General; and that the following Letter be written to the Commander in Chief.

Sir,

We have received your Letters of the 5th, 11th, and 15th Instant.

We agree with you in Opinion, that the Detachment now at Ghode under the Command of Captain Popham, is not equal to the Service on which it has been employed, and yet less to that in which the Rana is desirous of engaging it. From these Reasons, and from a Desire to contract our Expences as much as possible, we have resolved,

First. That Captain Popham's Detachment be relieved by Four regular Battalions of Sepoys with their Guns, &c. viz. Three Battalions from Cawnpore, and the Battalion of Light Infantry at Chucky.

Second. That Captain Popham when relieved shall march to Cawnpore; the Sepoys to be incorporated into such of our Battalions as may be in want of Men; the Cavalry to join their Corps; the Artillery to be disposed of as the Commander in Chief shall judge proper: and the Officers belonging to the Army in Guzzerat, to join it by such Routes as they shall judge most practicable.

Third. That the Staff Officers of Captain Popham's Detachment shall be ordered to do Duty, and to hold their present Appointments, in the Detachment which shall relieve them.

Fourth. That the Battalion of Light Infantry commanded by Captain James Brown, be ordered to march immediately to Ghode.

Fifth. That Major Camac be ordered to proceed immediately to Ghode, or wheresoever the Detachment may be which is to relieve Captain Popham, and to take the Command of it.

Sixth. That the Bullocks attached to the Guns of the Battalion and Stores, and to the 18 Pounders ordered to join Captain Popham's Detachment, be furnished by the Contractor from his present Establishment.

And we desire that you will be pleased to give the necessary Instructions for carrying these our Resolutions into immediate Effect; but as a considerable Time would be lost, were the Orders to Major Camac and to Captain Brown commanding the Battalion of Light Infantry, to pass through you, we have directed our Secretary to communicate them immediately to those Officers.

# A P P E N D I X, N° II. (C)

(C)

Extract of Minute of the Governor General, entered in Consultation of 12th June 1780.

Governor General—The Members of the Board have been furnished with Copies of the Letters which have been written by Moodajee Boosla and his Dewan, to Beneram Pundit, their Vackeel or Minister at this Government; containing, in a very long Detail, the Motives and Views of the Government of Berar. These I think improper to be entered on our Records, but I recommend them to the Attention of the Board, in their Consideration of the Conduct which we are to observe towards that Government.

From the Declarations made in these Letters, and from other Advices, it appears, that, urged by the Demands of the Administration at Poona, and the Menaces of the Nabob Nizam-ul Mullock, the Rajah hath levied a considerable Force, said to consist of 50,000 Horse, ostensibly destined to co-operate with the Peishwa, by invading Bengal and the Dominions of our Ally the Nabob of Oude. That One Division of 30,000 Horse, commanded by Chimnaje Boosla, the Rajah's second Son, has been accordingly dispatched to our Frontier by the Road of Cuttack, and has been some Time since arrived in the Neighbourhood of that City, where it is proposed that it shall canton during the Rainy Season.

The Rajah and his Dewan both profess the most steady Attachment to the Company, and a Resolution to preserve the Peace and good Understanding which have subsisted between that Government and the English, since the Period in which the latter first obtained a Share in the Political Concerns of these Provinces.

These Professions have been repeated in all their Letters, and sanctified by the most solemn Attestations. However suspicious such voluntary Protestations may generally appear, there can be no valid Reason for refusing a certain Degree of Credit to them on the present Occasion, as they are perfectly consistent with what we know to be the Interest of the Boosla Family, and with the Conduct which it has invariably observed towards the Government of Bengal, from the Accession of Jannoojee to the present Time. Its natural Enemies are the Chiefs whose Dominions border immediately upon the Districts of Berar, and lie in many Places intermixed with them; that is to say, the Peishwa, Nizam Ally Cawn, and Mahadajee Scindia. The Company cannot be regarded in the same Light, because the Line of Country which joins their Possessions to Berar, is so wild and uncultivated, that no Cause of Competition can arise respecting it; and the Territories of each in those Parts, yield little Advantage to the Proprietors. The Claim of the Berar Government to the Chout of these Provinces is so antiquated, that though it might be revived as a Pretext, it could never operate as an Inducement to invade them, on any other Principles than those which are the Grounds of original Conquests; nor could such an Enterprize be formed without great and certain Hazards, a Length of Hostilities, and a proportionate Expence, to which the Resources of Berar are inadequate, and the Exposure of its own internal Possessions to the Ambition and Rapacity of its Neighbours.

The Habits of a long Intercourse of Friendship, and the Benefits which are mutually and equally derived by both Governments, from a Continuance of the same Degree of Union, may likewise be assumed as Arguments of the favourable Disposition of that Government towards this, even under the present Appearances; yet the contrary, notwithstanding the strong Grounds which appear for this Conclusion, may be the Case; and even with the best Intentions, the Steps through which the Berar Government, in the Accommodation of an ostensible Plan to its own secret Wishes, may be insensibly led, may terminate in Hostilities against us.

From the Whole of this Review, it appears to be the proper Policy of this Government, to consider and treat that of Berar in the Character which it professes, but to guard against the Possibility of its becoming hostile to us.

This Policy, at the same Time fortunately coincides with the present Views of that Government, and may be made to promote them. The Rajah and his Minister have, from the Beginning, expressed the strongest Desire to become the Mediators of Peace between us and the Marattas; and this Desire is more strenuously urged in their last than in any of their former Letters; which may be accounted for on good Grounds; for it is certainly their Interest to be the Instruments of bringing the War to a Termination, by Means which must enhance their Consequence, and relieve them from certain Difficulties and Expence. The Rajah informs us, that he has written to the Paishwa, and offered his Intercession to accommodate Matters with us, confiding in the Assurances given him by this Government of its Willingness to agree to Peace through his Mediation, and to his Guarantee for the Maintenance of it; and has proposed that his Dewan shall come to Balalore or Benares, with Credentials and full Powers from the Paishwa, to negotiate and conclude a Treaty of Peace. Let us avail ourselves of this favourable Disposition; let his Mediation be accepted, and his Dewan invited to come for that Purpose to Calcutta. I am firmly of Opinion, that Peace can only be accomplished by this, or some other Mode that shall put the Negotiations for it within the Reach and immediate Controul of this Government: The Seat of War is not the Soil adapted by Nature for the Growth of Peace. Yet while every Means are employed to promote this End, we must not slacken in those which may give us an Advantage in the War, if our Hopes of a speedy Termination of it should be frustrated. On the contrary, this Season, and these Hopes, require a redoubled Exertion on our Part in the Prosecution of the War, as a necessary Concurrence with the Measures which



## A P P E N D I X, N<sup>o</sup> II. (C)

we may take for the Conclusion of it. For this Reason I recommend, that the Order lately passed for the Reduction of Captain Popham's Detachment, be suspended; that the Sepoys of the Detachment be immediately formed into Three regular Battalions, and added to the Detachment allotted to Major Camac. Let it be given in Instructions to Major Camac, if he shall find it practicable, to march his Detachment, in Conjunction with the Forces which the Rana by his Treaty will be obliged in such a Case to furnish, directly to Ugein, the Capital of the Territory dependant on Madge Scindia. This cannot fail to divert him from the War in Guzerat, and by bringing it home to his own Interests, which have hitherto been wholly exempt from it, induce him to be an equal Solicitor for Peace, to which at this Time he appears to be the only Impediment. In effect, all Advices confirm the Information contained in the Berar Letters, of the Opposition of Scindia's Wishes to those of the Minister in this particular Instance. The only Obstacle to this Design, is the Force which the Maratta Government actually possesses in Calpee and Bundelcund. A discretionary Power should be given to Major Camac, to remove this by any Means, either by Negotiation or Force, which he shall judge necessary, and which shall not be likely to detain him from his main Object. From all the Intelligence which has been lately received from that Quarter, this appears to be no difficult Work, as the Maratta Power in that Country is not in itself very considerable, and those who possess it are disaffected to the Government on which they depend. The Purpose of undertaking this Expedition, and its Motives, may be communicated to Moodajee Boosla. He cannot disapprove it, nor is it likely to give such Offence to the Minister of Poona, whose Jealousy of Mhadajee Scindia is well known, as to excite in his Mind any new Objection to a Pacification.

By the proposed Plan of Operations, the Subsidy which we have hitherto received from the Rana of Ghode will cease; all that we can require of him will be, to join our Forces with the Quota of his Troops stipulated by the Treaty. It will therefore become necessary to provide a Military Fund for the Payment of this Detachment: I propose to the Board, as the Season is now approaching in which our Demand upon Raja Cheyt Sing, for the Payment of his Annual Contribution towards the Expences of the War, should be made, we do immediately instruct our Resident at Benares, to apply to him for the Sum of Five Lacks of Rupees; which Sum I propose shall be appropriated solely to the Payment of Major Camac's Detachment.

If the Board agree to this Plan, it will be necessary to make some Alterations in our late Orders, and these I shall reduce to distinct Propositions.

- 1st. That the Order for the Return of Captain Popham's Detachment be countermanded.
- 2d. That the Sepoy Drafts of that Detachment be immediately formed into Three regular Battalions.
- 3d. That the Three Senior Captains now with the Detachment be appointed to the Command of these Battalions, and that the Commander in Chief be requested to issue the necessary Orders for completing them with Subaltern and Native Officers.
- 4th. That to compleat these Battalions with their Proportion of Ordnance, Two 6 Pounders be added to the Guns now with Captain Popham's Detachment.
- 5th. That these Battalions be added to the Detachment already ordered to be put under the Command of Major Camac; and the Whole formed into a separate Corps, during the Continuance of the present Service.
- 6th. That in Addition to the Guns attached by the Regulation to each Battalion of Sepoys upon Service, Two 12 Pounders, the Howitzer now with Captain Popham's Detachment, and Two Cohorns, be ordered to join Major Camac's Detachment.
- 7th. That the Board of Ordnance be requested to issue Orders for supplying Major Camac's Detachment with the above-mentioned Ordnance, and the Proportion of Ammunition and Stores, agreeable to the Establishment, either from Cawnpore, or either of the Military Stations contiguous to it.
- 8th. That a Brigade Major and an Aid de Camp be added to the Staff of Major Camac's Detachment, in consequence of the additional Strength of it.
- 9th. That the Secretary be directed to draw out Instructions for Major Camac, from the preceding Minute.

I intreat the Board to give me their Support in the Prosecution of this Plan. If they have been from its Commencement averse to the War, let them join with me in prosecuting it with Vigour to its speedy Termination. If they consider themselves as free from the Responsibility of it, let them allow me to acquit myself of mine. I wish I could venture my Life upon the Consequences. I know the Man who is to conduct it, and am certain that if the Design is practicable, he will execute it to its fullest Effect; nor am I fearful of the Inference which this Declaration may draw upon me for the future Event of it.

(Signed) Warren Hastings.

( D )

Minute from Mr. Wheeler and Mr. Francis, entered in Consultation of 15th June 1780.

Convinced, as we are, of the indispensable Necessity of bringing the present War, if possible, to a speedy Conclusion, we shall heartily join in the Support of every Measure which appears to have Peace for its Object, and which carries with it ~~any~~ reasonable Prospect of Success. On this Principle we agree with the Governor General, that it may be advisable to avail ourselves of the favourable Disposition of the Berar Government, and to invite the Rajah's Dewan to come for that Purpose to Calcutta. The Motives assigned for his late Conduct, and for the March of a Body of his Troops to Cuttack, are plausible at least, and appear to be confirmed by the Delays with which it has been attended, and by their present Inactivity. The Desire he professes of becoming the Mediator of Peace between us and the Marattas, seems likely to be sincere; because we believe it to be founded in the Consideration of his own Interest, and because it is conformable to the Language which he has uniformly held to us. We do not mean to say that Evidence of this Nature is to be implicitly depended on; but it is now so essentially our Interest to secure the Friendship of Moodajee Boosla, or at least to prevent his acting against us, that we should think it imprudent to discover any Doubt of his Sincerity. It cannot be very difficult to maintain the Appearances of the most perfect Confidence in his good Faith, without suffering it to mislead us, or neglecting any of these Precautions which our Situation dictates, and which are never more necessary perhaps than in the Midst of Security. We therefore agree with the Governor General in this Part of his Minute. But we find, with extreme Concern, that it is impossible for us to give our Assent to the subsequent Proposition. The Reasons for which we object to it shall be stated briefly, without reviving former Arguments, or reflecting on any thing that is past. Taking our Situation as it stands, we declare it to be our most deliberate Opinion, that a Peace is indispensably necessary to save the India Company, and every Interest connected with theirs, from the greatest Distress, if not from certain Ruin; and that at whatever Distance this Object may be, it is not practicable for us to continue the War on any Terms, without a very considerable Reduction in the Expence of conducting it. In the former of these Opinions we have never varied; in the latter we are sure of the Governor General's Concurrence. On this general Ground we object to the proposed Measure,

1st. Because it reverses a Resolution very lately past with the unanimous Approbation of the Board, for recalling and reducing Captain Popham's Detachment, the extra Expence of which, beyond our regular Establishment, amounting to C<sup>r</sup> R<sup>s</sup> 91,332 a Month, would be saved, and their Place supplied by Four regular Battalions.

2d. Because, by the proposed Plan of Operations, the Subsidy to be paid by the Rana of Ghode, and of which we believe no Part has hitherto been received, is to cease, and our Resources so far forth diminished.

3d. Because, at a Time when it is admitted that the War cannot be continued without a very considerable Reduction of Expence, we cannot, consistently with that Principle, engage in a Measure which supposes the contrary to be true, and which in our Judgment leads to an Addition of Expence which we cannot limit when once it is begun, and which we are very sure this Government is not in a Condition to support. We have seen into what enormous Charges we have been drawn by the Detachment under General Goddard, the Strength of which does not exceed that proposed to be placed under Major Camac. We have seen the Expence of a Detachment of only Two thousand Drafts, under Captain Popham, swelled to more than Ninety-one thousand Rupees a Month; and we firmly believe it to be an Evil inseparable from distant Military Operations in this Country, that the Charge of them can neither be limited nor controuled. We do not mean to dispute the Propriety of the Governor's personal Confidence in Major Camac; but in our Minds, such implicit Confidence cannot exist without Experience, much less in Opposition to that with which the Conduct of similar Expeditions has already furnished us. In this Observation we allude only to the Expence that attends them.

4th. Because the proposed Anticipation of the Demand of Five Lacks from the Rajah of Benares, and the sole Appropriation of it to this Service, is no Relief of Expence, or Increase of Resource, since the above Five Lacks make Part of our general Estimate of Resources for the Service of the current Year; and if applied to any Service not provided for in the same Estimate, will leave a Deficiency which must be made good out of some other Fund.

5th. Because it appears to us, that the State of our Treasury is not in any Degree equal to the existing and increasing Demands which press upon this Government. The apparent Balance on Monday last, including the Deposit in the New Fort (without which we should consider ourselves as totally unprovided for Measures of immediate Defence, if such should become necessary) amounted to no more than C<sup>r</sup> R<sup>s</sup> 42,09,443. Deduct the Deposit in the New Fort, and let the Account be stated as it will then stand, and as it ought to stand!

# A P P E N D I X, N<sup>o</sup> II. (D) (E)

D <sup>r</sup> .	C <sup>r</sup> R <sup>i</sup> .	C <sup>r</sup> .
Deposits of private Property —	14,87,958	Remainder, after deducting the Sum
Amount of Orders unpaid —	20,86,949	in the New Fort — — 6,13,453
Bills drawn by General Goddard, unpaid — —	1,73,999	Balance, or actual Debt against the Treasury — — — 31,35,453
	37,48,906	
	6,13,453	
Balance	31,35,453	

This View of our Situation undoubtedly leads to other important Conclusions. That to which we mean to confine it at present, is, that we are in no Condition to undertake new Expences; nor, if our Treasury were better supplied than it is, should we think it prudent to expose ourselves to the Demands of another Expedition, in the Plan of which we see no essential Difference from that which still exists under General Goddard.

6th. Because, admitting that all the preceding Objections on the Head of Expence could be answered or removed, we are not satisfied that the Plan itself would either end where it professes to be directed, or that this is the Season in which it ought to be attempted on its own avowed Principles. The declared Purpose of the Expedition is, to invade Madajee Scindia's Country, and to attack his Capital, Ugein, in order to divert him from the War in Guzerat, to the Defence of his own Territories. We understand and admit the Force of this Argument, though in our Judgment overbalanced by other Considerations; independent of which, we should only object to the Time chosen for the Expedition, and to the unnecessary Charge of keeping up Captain Popham's Detachment. If it be meant to withdraw Madajee Scindia from the War in Guzerat, and to distract his Force and Attention from that Country to his own, it seems to us that the Attempt should be made as soon as possible after October, when General Goddard might be at Liberty to co-operate with it, and to favour its Success by a similar Diversion on his Side;—not in the Midst of the Rains, when General Goddard's Army is in Cantonments, and unable to take the Field. The manifest Advantage of having the Two Armies acting in concert, and dividing the Attention of the Enemy between them, would be lost, if they were not both in the Field at the same Time. But this, and every other Objection to the Measure, is in fact removed by the Instructions which immediately follow it, and which in our Opinion are wholly inconsistent with the first proposed Object. Major Camac is to be intrusted with a discretionary Power to remove the Force which the Maratta Government possesses in Calpee or Bundelcund (and which is said to be the only Obstacle to the main Design) by any Means, either by Negotiation or Force. If it be true, as we are sure it is, "that the Maratta Power in that Country is not very considerable, and that they who possess it are disaffected to the Government on which they depend," such a Power can form no Obstacle to the Execution of the main Design; nor can we ever admit of the Validity of such a Pretence for invading Bundelcund, which we conclude would be the first, if not the only Effect of the Expedition. At all Events, the Latitude given to Major Camac leaves him at Liberty to pursue whatever Plan he thinks proper. But if, instead of proceeding towards Madajee Scindia, the March of this Detachment should once be directed, by the opposite Route, to the Capital of Bundelcund, he will naturally conclude that the Possession of this Country is our true and only Object; of course he will have no Apprehension for the Safety of his own.

For these Reasons we are of Opinion, that the Resolution of the Board, of the 29th of May, for the Recall and Reduction of Captain Popham's Detachment, &c. should not be suspended.

(Signed) P. F.  
E. W.

## ( E )

Minute of the Governor General, entered in Consultation 19th of June 1780.

Governor General—The Majority of the Board having rejected all the Propositions which were contained in my Minute of the 12th Instant, excepting the 6th and 7th, which do not appear to have been included in their Exception to the general Propositions, I now beg Leave to repeat them; and as it appears from the accompanying Letter from Captain Brown, that he has left his Field Pieces and Tumbrils behind him, I shall propose,

1st. That Captain Brown's Battalion, on its Arrival at Cawnpore, be compleated with its Proportion of Field Pieces, Ammunition, and Stores, from the Ordnance at that Station.

2d. That,

A P P E N D I X, N<sup>o</sup> II. (E) (F)

2d. That, in Addition to the Guns attached to the Battalions of Major Camac's Detachment by the Regulations, Two 12 Pounders, the Howitzer with Captain Popham's Detachment, and Two Cohorns, be ordered to join it.

3d. That the Board of Ordnance be requested to issue Orders for supplying Major Camac's Detachment with the above-mentioned Ordnance, and their Proportion of European Artillery, Lascars, Ammunition, and Stores, agreeable to the Establishment, either from Cawnpore or the Military Stations contiguous to it.

Agreed.

( F )

Secret Dep<sup>t</sup>.

Instructions proposed by the Governor General, 19th June 1780.

To Major Camac.

Sir,

Having appointed you to the Command of a Detachment ordered to be formed of Four Battalions of Sepoys, Three of which are to be furnished from the Army stationed at Cawnpore, and the Fourth, the Battalion of Light Infantry commanded by Captain James Brown, we direct you to proceed to Cawnpore, or to the Station of that Detachment wherever it may be, and to conduct it without Loss of Time into the Dominions of the Ranna of Ghohid, there to relieve the Corps now under the Command of Captain Popham in that Quarter.

The Ranna of Ghohid having, in virtue of a Treaty lately concluded between him and this Government, required the Aid of a Military Force on the Part of this Government, for the Defence of his Country against the Marattas, who had invaded it, Captain Popham was appointed to this Service; and to this you now succeed. We therefore direct, that you comply with such Requisitions as shall be made to you by the Ranna for this, and for such other Conditions as he is entitled to demand by the Treaty, and shall be practicable with the Force under your Command.

Whenever the Ranna shall have no further Service for the Detachment, and shall dismiss it in the Manner prescribed by the Treaty, and no Occasion shall present itself for the Employment of the Detachment in promoting the general Success of the War in which we are engaged with the Maratta State, you are forthwith to return with it into the Dominions of the Nabob of Owd, and there wait for further Orders; and if, before your March into Ghohid, you shall receive an Intimation from him in Writing, that he shall not require the Assistance of your Detachment, you will in like Manner suspend your March, and wait for further Orders.

But as the first Design of this Government in the Alliance lately formed with the Ranna of Ghohid, was to distress the Maratta State, by a Diminution of their Power, Revenue, and Influence, and, by uniting with other Powers in Enmity with them, to divert and weaken their Operations; and as the Maratta Dominions which lie contiguous to Ghohid, appertain to Mahajee Sindea and Tuccooje Hoolkar, the Two principal Rulers of that State, and the Leaders of the Army employed to oppose General Goddard, we authorize and instruct you, in case you shall judge it practicable and expedient, to carry the War immediately into that Quarter, requiring from the Ranna the Proportion of Cavalry stipulated by the Treaty to be furnished by him for such a Service; or in case of his Inability, whether from the Season of the Year, or from whatever other Cause, to fulfil this Condition in its compleat Extent, to require and accept from him such other Aid, in furnishing Provisions, and in forming Magazines of Grain, and other Means of Subsistence and Communication, as you shall judge equivalent to it.

For your Guidance in maintaining the Relation of your Command to the Ranna of Ghohid, we herewith deliver to you a Copy of the Treaty executed with him; and we require and enjoin you to conform to it with the most scrupulous and literal Exactness.

If any Case shall occur, for which we have not provided by these Instructions, and which shall not be contrary to them, we empower you to act therein according to your own Judgment; in all others, these Instructions are positive, and must be implicitly obeyed.

The Commissary General having drawn out an Establishment for your Detachment, which meets with our Approbation, we transmit it to you, desiring at the same Time that you do not on any Account suffer the smallest Alteration or Deviation to be made in it.

We are, &c.

Fort William,

19th June 1780.

(G) Minute

# A P P E N D I X, N° II, (G) (H)

## ( G )

Minute from Mr. Francis and Mr. Wheeler, entered in Consultation of 19th June 1786.

The First, Second, and Third Paragraphs of the proposed Instructions to Major Camac, being conformable to the Treaty concluded with the Rana of Ghode, we acquiesce therein. But we think it should be added, that, before our Troops depart from the Rana's Country, the full Amount of the Subsidy due for their Pay, should be demanded and received. But we cannot consent to vest Major Camac with the Powers mentioned in the 4th Paragraph; viz. "To carry the War immediately into the Dominions of Tuccajee and Scindia, if he shall judge it practicable and expedient; and to accept of such other Aid from the Rana of Ghode, as he shall judge equivalent to the Body of Ten thousand Horse, which the Rana is obliged by Treaty to furnish." The Latitude given in the First Article, leaves it in Effect to Major Camac to carry the Company's Arms wherever he thinks proper. The Second impowers him to annul the most important and apparently the most useful Article of the Treaty. In both Instances the Government relinquishes its Controul over a Measure, which may lead us much farther than we are aware of, and be attended with the most serious Consequences. We have already observed, that an Attempt to invade Scindia's Country, if advisable, should be made at a Time when General Goddard can co-operate with it, and support it. This cannot be done till towards the Conclusion of the Rains; consequently there is Time sufficient to concert a Plan of Operations with the Rana of Ghode, and to ascertain what Assistance may be depended on from him. The Board will then have proper Materials before themselves, to judge how far it may be safe or expedient to embark in the Measure, supposing that a Peace, which is our first Object, should not be effected in the Interim. For these Reasons we cannot assent to the Propositions contained in the 4th Paragraph.

We acquiesce in the 5th.

The Powers mentioned in the 6th, seem to fall under the same Observations which have occurred to us on those contained in the 4th.

(Signed) P. F.  
E. W.

## ( H )

Sec<sup>y</sup> Depart<sup>t</sup>.

Instructions resolved on by the Majority of the Board 19th June 1780.

To Major Camac.

Sir,

Our Secretary has already notified to you, your Appointment to the Command of a Detachment ordered on Service with the Rana of Ghode. This Detachment is to be formed of Three Battalions of Sepoys from the 2d Brigade, stationed at Cawnpore, the Battalion of light Infantry commanded by Captain Brown, and a Party of Artillery, to consist of Half a Company of Europeans and Half a Battalion of Lascars.

In Addition to the Guns attached to the above Battalions by the Regulations of the Army, we have ordered that your Detachment should be supplied with Two 12 Pounders, a Howitzer, Two Cohorns, and a proper Quantity of Ammunition and Stores.

We direct that you immediately proceed to Cawnpore, or to the Station of your Detachment wherever it may be, and forthwith conduct it into the Dominions of the Rana of Ghode, there to relieve the Corps now under the Command of Captain Popham in that Quarter.

The Rana of Ghohud having, in virtue of a Treaty lately concluded between him and this Government, required the Aid of a Military Force on our Part for the Defence of his Country against the Marattas, who had invaded it, Captain Popham was appointed to this Service; and to this you now succeed. We therefore direct, that you comply with such Requisitions as shall be made to you by the Rana for this, and for such other Conditions as he is entitled to demand by the Treaty, and you shall deem practicable with the Force under your Command.

Whenever the Rana shall notify to you that he has no further Service for the Detachment under your Command, and shall dismiss it in the Manner prescribed by Treaty, and no Occasion shall present itself for the Employment of it, in promoting the general Success of the War in which we are engaged with the Maratta State, you are to signify to him in Writing, your Intention to depart from his Country, *demanding the full Amount of the Subsidy that may be due; which having received, you will immediately return with your Detachment into the Territories of the Nabob of Oude, and there wait for further Orders; but in case of a Refusal on his Part to discharge the Subsidy agreeable to the Terms of the Treaty, we desire that you will immediately signify the same to us, and not depart until you receive our Answer.*

# A P P E N D I X, N° II. (H) (I)

If before your march into Ghohud you shall receive any Information from the Rana, that he shall not require the Assistance of your Detachment, you will in like Manner suspend your March, and wait our further Instructions.

For your Guidance in maintaining the Relation of your Command to the Rana of Ghode, we herewith deliver to you a Copy of the Treaty executed with him, and we require and enjoin you to conform to it with the most scrupulous and literal Exactness.

The Commissary General having drawn out an Establishment for your Detachment, which meets with our Approbation, we transmit it to you, desiring at the same Time that you do not on any Account suffer the smallest Alteration or Deviation to be made in it.

## ( I )

Copy of a Minute delivered in by the Governor General, and recorded in Consultation 26th of June 1780.

Governor General—Two Minutes have been lately delivered by Messrs. Francis and Wheler, bearing their joint Signatures, in answer to Propositions made by me to the Board.

It is not my Intention to follow these Minutes through every Assertion of Facts, and every Deduction of Argument. I shall only reply to such Points as have a Relation to my present Purpose, which is, still to insist on the Necessity of carrying on the War into the Districts appertaining to Mahadagee Sindia; and to this I entreat the Board to give me their Attention.

Except the Article of Expence, I can scarcely collect the Objections which are made to it.

It never was my Intention to employ Major Camac in an Invasion of Boondelcund, nor suffer, if it were attempted on the Grounds of his Instructions, such a Waste of the Time required for the first and essential Object of his Operations.

The Ends proposed by this Expedition are Two immediate: First, to divide the Maratta Strength, and divert it from General Goddard; Second, to make the principal Agent of the War the principal Sufferer by it; and One ultimately, Peace. To this it is objected, that “the manifest Advantage of having Two Armies acting in concert, and dividing the Attention of the Enemy between them, would be lost, if they were not both in the Field at the same Time.” This is by no Means a fair Conclusion; because it supposes the Enemy to keep the Field, and our principal Army to be inactive. The Reverse is the most probable, and my Purpose will be equally answered, whether both remain in Quarters, and Major Camac be suffered to prosecute the Plan assigned him without Opposition; or whether the whole Force of the Enemy be directed against him, and General Goddard left at Liberty to act in the Prosecution of his. The Rainy Season is no Impediment to our Troops, but a great one to the Maratta, which consist only of Cavalry; and if the Measure which I have proposed be even now agreed to, I should hope to bound it with that Season, or to effect every material Purpose of it within the Rains.

The Design of the proposed Instructions to Major Camac has been misunderstood, and the intended Sense of it inverted. It is not meant “to give Major Camac a Latitude to carry the Company’s Arms wherever he thinks proper;” but to order him to carry the Company’s Arms to a prescribed Scene of Action *unless he thinks it improper*.

The Objection made to the Expence is a material one; but a vigorous Exertion cannot be made without Expence; nor can the War be either concluded honourably, or prosecuted successfully, without such an Exertion. Feeble Measures, and Advances for Peace, will but add to the Strength and Presumption of our Adversaries, discourage our Friends, and perhaps induce them to become Parties against us. The Resources of this Government, exhausted as they are, and withheld from it by its internal Imbecillity, are yet equal to every probable Contingency of the present War, if it is conducted on a consistent Plan, and that not varied by desultory Votes of Council on every Measure required for its Prosecution.

I must here take Notice, that the Expence of Captain Popham’s Detachment has been greatly over-rated. It is asserted, that the Expence of a Detachment of only 2,000 Drafts, under Captain Popham, has been swelled to more than 91,000 Rupees per Month; and in another Place this Sum is stated as a fixed Amount.

The Truth is, that the Expence of this Detachment has exceeded its due Bounds; yet not in the Degree imputed to it, which would be indeed enormous: The Detachment, besides the Two thousand Drafts (they are in Fact 2,400) consists of Artillery and Cavalry. The Monthly Expence of the Whole was on a Medium about 82,000 Rupees; of this Sum the

Cavalry alone produce	—	—	12,811	and the
Artillery	—	—	8,300	

making both together 21,111; and this Sum deducted from the

Total, leaves 61,000 Rupees for the Drafts, including the Staff and Contingencies of Four Battalions into which they were formed, though the Number was equal only to Three.

The Part which this Government has hitherto borne in the War is mine, and has been made exclusively mine; the other Members having repeatedly disclaimed their Share in the Responsibility attending



## A P P E N D I X, N° 11. (I) (K)

attending it. It is hard, that while they load me with the Weight of such a Charge, they should bind my Hands, and deny me the Means of supporting it.

If Mr. Francis (I am compelled to speak thus plainly) thinks that he can better and more effectually conduct the War to the Termination, which we both profess to aim at, and that he can in Honour deprive me of the Right which I claim, to dictate the Means of accomplishing it, let him avowedly take the Lead; but if I am to be charged with the Consequences of it, or if the Right which I claim be justly mine, let him allow me to possess and exercise it. It is impossible to combine the Principles of Enterprize and Inaction in the same general Measure, and as impossible for his Sentiments and mine to be brought into Agreement on the Subject of the Maratta War. I have in vain laboured to accommodate them, by a studied Attention to his Opinions, in every Measure which I have ventured to propose in the Course of the last Fifteen Months, and have restrained myself from urging others, which, however proper and necessary for the Occasion, exclusively considered, were inconsistent with the actual State and Temper of this Government.

I now revert to my Proposition, and request the Board to reconsider their Objections to the Instructions which I have proposed to be given to Major Camac: I have not the Presumption to expect that they will be influenced by any Reasonings which I have used, having had too much Experience of the Insufficiency of official Argument to overcome a decided, and much less a confederate Opposition: But, as the Expence which will attend the Measure which I have recommended, is the only formal Objection made to it, I hope I may be allowed to remove it, by offering to exonerate the Company from it, and to take it upon myself. That this Proposition may not be misunderstood, and that I may not bind myself by Engagements which may exceed my Power to fulfil them, I will explain myself.

The regular Pay and Batta of the Troops which are to form Major Camac's Detachment, constitute no Part of the Expence of it, since these would be the same in their Amount, although the Battalions remained in their original Quarters; neither ought the Suspension of the Subsidy to be charged to the Expedition, since it is probable, and I regard it as certain, that the Rana having no further Call for our Aid within his Country for the sole Defence of it, will be glad to be relieved from the Expence attending it, and because it is proposed in the last of the Minutes of Messrs. Francis and Wheler to withdraw it: The Contingencies of the Detachment are therefore the only Expence that can be reasonably charged to the Expedition. These I rate far below Two Lacks of Rupees; that Sum I offer to contribute to this Disbursement: I have already deposited it, within a small Amount, in the Hands of the Sub-treasurer, and I beg that the Board will permit it to be accepted for that Service.

(Signed)

Warren Hastings.

## ( K )

Minute from Mr. Francis and Mr. Wheler, entered in Consultation 27th June 1780.

After an attentive Consideration of the Governor General's Minute, delivered in to the Board Yesterday, we adhere to the Reasons which have induced us to withhold our Consent to the proposed Expedition into Malva. To this, for the present, we shall only add the following short Remarks, in Reply to some Assertions in the Governor General's Minute, which appear to us to be gratuitous.

1. The actual Expence of Captain Popham's Detachment for the Months of November, December, and January last, is stated by the Commissary General at Cur. R<sup>y</sup> 2,73,996 (vide his Letter recorded on the 1st of May;) and we have no Reason to think that the Expence has decreased since the Detachment has been on Service.

2. We know not to what Passage in either of our Minutes the Governor General alludes, when he says, "That it is proposed in the last of the Minutes of Messrs. Francis and Wheler to withdraw the Aid granted to the Rana of Gohid." Notwithstanding our original Disapprobation of the Treaty, and though none of the good Effects which were promised from it, appear to us to have been accomplished, we have not proposed to depart from the Conditions by which this Government has been bound to the Rana: All we insist on is, that the Subsidy should be paid. The Governor General has not informed us, whether any Part of it has been discharged.

3. It is said that the Rainy Season is no Impediment to our Troops, though a great one to the Marattas. The same Opinion was insisted on at the Time when Colonel Leslie marched, and when the Governor's Confidence in him was not inferior to that which he now reposes in Major Camac, and which we do not mean to say is ill-founded: But Colonel Leslie's Letters contain repeated Declarations of the Impossibility of marching amidst the Torrents of Rain with which the Country was deluged: On this Point our Conviction remains unaltered. They who have not seen the Rains of India, can have no Idea of their Violence, nor how entirely the whole Surface of the Country is changed by them. In a few Days we mean to record our Sentiments more at large on the Remainder of the Governor's Minute, and on the general Situation of this Government. We could have wished, indeed, that the Governor's Plan had been more completely before us than it is, that we might have been able to compare the Whole of the Object with the Whole of the Means. Peace, he declares,

## A P P E N D I X, N<sup>o</sup> II. (K) (L)

his ultimate Object; but he has not given us even a general Idea of the Terms on which he would make it: He has not intimated to us what would be the final Extent of his Demands on the Marattas, or what Concessions he would make to them. Before this Point is fixed, we have no solid Basis either for Action or Deliberation: The First may be indefinite and unconnected, as it hitherto has been; the Second must be guided from Day to Day by Events. In this Uncertainty we cannot presume to decide, whether his Object be or be not attainable; but we promise to enter into the Consideration of it with the utmost Candour, and with all the Attention which such a Subject deserves, when it is laid before us.

P. Francis,  
Edw<sup>d</sup> Wheler.

( L )

Minute from Mr. Francis and Mr. Wheler, entered in Consultation of 29th June 1780.

In our Minute of the 27th we meant only to give an immediate Answer to the Propositions before us: We shall now enter more particularly into the Reasonings and Assertions with which it was introduced. The Terms and Tendency of the Governor General's Minute make this Task, however painful it may be, essentially necessary for the Information of those who are to judge of our Conduct, and of course to our own Reputation and Safety.

The Governor General says, that "except the Article of Expence, he can scarcely collect the "Objections made to the Measure;" and again, that "the Expence is the only formal Objection "made to it:" Yet some Pains are taken to answer another, which attacks the Measure on its own Principles, and which undoubtedly must have been felt by the Governor General, or he would not have attempted to remove it, by supposing a Fact so material to the Question, as that our principal Army is *not* in Cantonments and inactive, and that it must not continue so till the End of the Rains. The Truth is, that General Goddard's Army, or the major Part of it, is actually in Cantonments at Surat, and we hear that he himself is at Bombay. Last Year he did not take the Field until December: Perhaps he might now move a Month sooner; but we are satisfied, as well by his own Letters as by every Information we have been able to obtain, that it is impossible for him to act before November. That the Rains would be no Impediment to our Infantry, incumbered with Baggage, Tents, Stores, Ammunition, and a Train of Artillery, but that it would be a great one to a Body of Maratta Cavalry, seems to us a most extraordinary Proposition: Hitherto it has been contradicted by Experience, and we find no Arguments advanced to support it. If one of the Objects of the Expedition be *to divide the Maratta Strength, and to divert it from General Goddard's Army*, it is essential to that Object, that General Goddard's Army should be at the same Time in the Field, otherwise the Maratta Force is not divided, nor can there be a Diversion on one Side, unless some Operations exist on the other, in Favour of which the Diversion is to be made. But we say that General Goddard's Army is in Cantonments, and must remain inactive till November; consequently the undivided Force and Strength of the Marattas, if they think it necessary, may be turned entirely to Major Camac.

The Second Object is said to be, to make Madajee Scindia, "*the principal Agent of the War, the "principal Sufferer by it.*" Hitherto we have been told, that Nana Furnese was the Chief most attached to the French Interest, and most hostile to ours, and that Scindia was disposed to cultivate our Friendship; and it must be confessed he gave us a Proof of it, which ought not to be forgotten, when he suffered the Bombay Army to retire from Wargaum. Admitting nevertheless that we ought now to consider Scindia as our principal Opponent, it does not follow that this Expedition, in the Way it is planned, will be the Cause of much Distress to him, if any: In our Opinion, *we* are much more likely to suffer by it than he is. If *every material Purpose of it is to be effected within the Rains*, what can they be, but to make a hasty IncurSION into his Country, to plunder it, and to leave it? If General Goddard were in Motion at the same Time, we see a Possibility, in Speculation at least, that Scindia might be distracted between them, and prevented from turning his whole Force, or the principal Part of it, to the Defence of his Dominions: As this is not the Case, Major Camac must act without the Support of a Diversion on the other Side, against whatever Force Scindia may think fit to bring against him. They who are unacquainted with the Geography of India, can know nothing even of the Distance from our Frontier to Eugene, the Capital of Malva, much less of the Difficulties that are likely to attend such a March; the Distance, however, is evidently so great, that in case of a Check, we see no Likelihood of securing a Retreat: But if, whether with or without an immediate Repulse, the Retreat of the Detachment should be cut off, we know what the Consequences must be; another Body of Troops will be called for, and the Necessity of sending them insisted on to support the First Measure, or to disengage us from the Effects of it. No Man can say to what Distress and Difficulties a Series of such Steps may finally lead us: It may happen, that while we are stripping Bengal of the Force which ought to be reserved for its Defence, while we are sending our best Troops and our best Officers on these distant Expeditions, these Provinces

may

## A P P E N D I X, N<sup>o</sup> 11. (L)

may be invaded from different Quarters, and our Establishment hazarded, where it ought to be our principal Care to render it secure. In our Opinion, nothing essential to the Interests of the Company and of the Nation in India can be lost as long as Bengal is safe; but if *this* Country should once be in Danger, or if by the Loss or Waste of its Resources it should no longer be able to support itself, and to return a regular Tribute to Great Britain, no Conquests or Acquisitions in any other Part of India will ever compensate in the smallest Degree for the Distress to which Bengal may be reduced, and for the Consequences that must attend it at Home. The Supposition of such a Case will not appear wild or unwarrantable to those who have a perfect View of our Situation: We are much afraid that it is little known, and less understood, in England.

The War with the Marattas, at more than Two Years after its Commencement, and after every Rupee we had reserved in our Treasury, or have since been able to collect, has been spent in the Support of it, is at this Day as far from a Conclusion as ever: New Expeditions are proposed, to answer the same Effects which were promised from former Measures of the same Nature, and, as it appears to us, with no better Prospect of Success; of such Success at least as would be likely to make any further Efforts unnecessary.

The Governor General talks of *Friends who may be discouraged, and who perhaps may be induced to become Parties against us*: We wish that the Names of these Friends had been mentioned. We do not know that this Government has a single Friend or Ally in India, in the true Sense of Friendship and Alliance; which supposes the Power of giving Assistance, and a Disposition to give it.

The Condition to which we have reduced the Vizier's Country makes that Connection rather a Burthen than Advantage to this State. We have now to defend the extended Frontier of a ruined Country, which at present barely pays the Troops that defend it, and which, according to all Appearance, will not do even that much longer. As for the Vizier himself, he is a Cypher, and has no Choice.

The Rana of Gohid is too inconsiderable to be mentioned; and if he were more powerful than he is, it is plain enough, that either his original Purpose is answered, or that he has other Reasons for being weary of the Presence of our Army. Though the Board have not heard from Captain Popham, we conjecture, from what the Governor General has let fall, that the Rana intends to dismiss Captain Popham, and that he will not require Major Camac to come into his Country.

On the other Hand, we see the principal Powers of India either armed or ready to arm against us. The Marattas have united, as we foresaw they would do, in the common Defence of their Country: Hyder Ally, their natural Enemy, has concluded an Alliance with them, the Effects of which, though hitherto suspended, are not averted. We know, by many Proofs, what his Disposition is towards us; and we ought to conclude, since it is a Case against which we ought to be provided, that he means to act against us at the first favourable Moment; that is, when our Arms may have suffered another Check, or when our Strength and Resources may be exhausted by a Continuance of the present War.

It is true, our Endeavours have hitherto succeeded in preventing the Nizam from taking an open Part with our Enemies: It depends on the Gentlemen at Madras, whether the Concession we have thought proper to make him shall take Effect or not. If it should, we have still no positive Security that he will be contented with it, or that his other Claims upon the Company will not furnish him with a Pretence for joining our Enemies, whenever he sees an Opportunity of doing it to Advantage. This Disposition towards us, and the Confidence he reposes in his own Strength, may be plainly collected from his Declarations to Mr. Holland.

The Rajah of Berar seems lately, if not originally, to have adopted that sort of Policy, which leaves it open to him to be guided by Events, and to pursue any Course he thinks proper: We have no Security that it will be favourable to this Government. He professes to wish for an Accommodation between us and the Paishwa; he offers his Mediation; and, apparently to support his Offer, he sends a considerable Army to the Frontier of these Provinces. The Strength of this Army is unknown to the Board: Various Reports state it from 20 to 30,000 Horse. Against their future Operations we ought to be as carefully provided, as if we had no Dependence on their Friendship: We ought to treat them as Friends, and we ought to be prepared against them as Enemies.

In this Situation, we can never admit *that the Resources of this Government, exhausted as they are, and withheld from it by its internal Imbecillity, are yet equal to every probable Contingency of the present War*: On the contrary, we think that the present War, in whatever Manner it may be conducted, is liable to Contingencies, to which all our Resources, if they were yet unimpaired, would not be equal, and that in our present Circumstances we have no Choice.

We deny that this War has hitherto been conducted on a consistent Plan, or any Plan at all; of which we need not give a more decisive and striking Proof, than that the Expedition under Colonel Goddard did not co-operate with that from Bombay against Poona: That the Authority, formerly given to the Presidency of Bombay over that Army, was withdrawn in favour of another Measure, of which they had no Information; and that General Goddard's final March to Surat was merely Matter of Accident, and absolutely contrary to the Governor General's Wishes and Intentions. On the 4th of March 1779, he declared, "*He wished equally with Mr. Francis for the Return of the Detachment to Berar, and equally dreaded to bear of its proceeding to the other Coast.*"

But, if the Reverse were true, and if the War had really been conducted on a consistent Plan, we deny *that it has been varied by desultory Votes of Council on every Measure required for its Prosecution*. We do not know or believe, that there is a single Instance of any Question concerning

the War, being carried against the Opinion of the Governor General, except that now immediately before us; and even this, we presume, was not in Contemplation with the Governor a Month ago, when the Resolution was taken of recalling and reducing Captain Popham's Detachment with common Consent; and, as we thought, with the Governor's entire Satisfaction.

It is not denied, "That feeble Measures and Advances for Peace may give Strength and Presumption to our Adversaries, and discourage our Friends; or that the Principles of Enterprize and Inaction are not to be combined in the same general Measure." But we do not admit, that these general Propositions are applicable to our Situation. Our Opinion is, that we are in no Condition to continue the War, on any Terms which suppose the Continuance of the present Expence, or even with a considerable Diminution of it. Whether our Resources be exhausted, or whether they be withheld from us, it is equally true, that there is no Money in our Treasury. We hope, that in such critical Circumstances, it will not be proposed to take the Deposit out of the New Fort. We know not how near we are to the Extremity for which it was provided. But, even supposing our immediate Wants were relieved by that little Supply, let us consider where it would leave us, after discharging the instant Demands upon the Treasury. Our former Statements shew what a very inconsiderable Portion of it would remain in our Hands, while the Credit and Advantage of possessing such a Reserve in Specie, against an extraordinary Emergency, would be lost. In effect, we should publicly avow, that the Distress against which the Deposit was reserved, had actually fallen upon us.

We never meant to propose feeble Measures, which necessarily defeat themselves; nor yet do we approve of vigorous Measures, in the Sense in which Vigour has been hitherto understood; because we are convinced, that this Government is unable to support them; and if they could be supported a small Time longer, they would not bring us nearer to our Object. Before the Commencement of the War, we foresaw and foretold the principal Consequences that would attend it. We now judge of it by its Effects, which we hope will be considered, though every other Sort of Argument should continue to be disregarded. We have seen the Event of Two Years Military Operations, and of a Succession of Enterprizes, which, in Point of Effort and Expence, were as vigorous as any Thing we could now undertake.

The Expedition to Poona ended in a Disgrace, which, but for the Generosity or Forbearance of the Marattas, might have left Bombay defenceless. We know not the Expence of this Measure; but we believe the Company will find it enormous.

The March of the Army under Colonel Leslie had all the Appearances of an active and vigorous Resolution, and had produced as much Success as could reasonably be expected. It has conquered an open Country; which, at some future Day, and if even the promised Collections from it should be made, is to return Thirty Lacks of Rupees a Year to the Company. Against this Acquisition, the permanent Expence of an Encrease of Establishment to regulate and defend it, must be placed, and the Value of the Remainder compared with the Charge of the Expedition: The Company will then know at what Price they have acquired a new Territory on the Malabar Coast. At the End of February last, the Sums remitted to this Detachment alone, amounted to almost Seventy-six Lacks of Current Rupees; and we are convinced, that we are much within Bounds in computing, that a Crore of Rupees will not clear it to the End of October.

The March of a Detachment from the Coast, and of another from Bombay, to strengthen General Goddard, has yet produced no Effect that we know of, but to raise their Pay to a Level with that of the Bengal Troops; which of itself is no slight Inconvenience.

The Detachment under Major Camac, which was ordered about the Beginning of last Year, to join Colonel Goddard, after costing the Company Current Rupees 4,36,793, returned without Effect.

Many Advantages were promised from the Treaty with the Rana of Ghode; particularly that of dividing the Strength and Attention of the Marattas. If it has really produced that or any other Effect that deserves the Name of an Advantage, or that can be placed in Comparison with the Expence of the Measure, we wish to see it stated. We are informed by the Commissary General, that the total Expence of Captain Popham's Detachment to the End of April last, amounted to CR<sup>a</sup> 5,55,953. At this Rate, the present Expence must amount to Current Rupees 7,41,271.

With these discouraging Experiments in our View, we are called upon to embark in another Enterprize, for the avowed Purpose of supporting that of General Goddard; yet the Governor's Expectation of Success from this new Effort, cannot be greater than those which he professed to entertain of the former: Even after the Delay in Bundelcund, he always considered Colonel Leslie's Detachment as capable of accomplishing the Ends of its Formation, and professed the strongest Conviction, that under a proper Conduct, the Effects would still answer his most sanguine Hopes.\*

It is true, that the Part which this Government has hitherto borne in the War, belongs to the Governor, and that we have no Share in the Responsibility attending it: But it is equally true, that in the future Measures of this Government we must take our Part. We cannot transfer the Responsibility, though we might relinquish the Powers incident to our Station: In many Cases, we may find ourselves compelled not to interrupt the Operation of Acts already resolved on against our Opinion; especially when the Government or its Representatives are once engaged in the Execution of them: In such Circumstances we have no Choice: But a Defence of this Sort will not apply

\* Vide Secret Conf. 12 Oct. 1778.

## A P P E N D I X, N<sup>o</sup> II. (L) (M)

to new Measures or new Plans, which cannot be resolved on without our Consent. For these and their Consequences, we must of Necessity be answerable jointly with the Governor; therefore cannot divest ourselves of the Right of judging of both. If, on the present Occasion, we are mistaken in our Judgment, it will not add to the Load with which the Governor General may be charged. We rather think he derives a visible Advantage from the Part we are forced to take in this Question. There is no Difficulty in displaying the possible Benefits, which might have resulted from a Measure untried; while the Burthen of proving that such Benefits were unattainable, together with the ideal Loss of them, will be thrown upon the opposite Party.

We have as little Faith as the Governor can have in the *Sufficiency of official Argument to overcome decided Opinions*. What we have said is meant to stand for our Vindication at Home. We heartily wish it might have more Weight, than we fear it will have, in this Place. We wish to co-operate heartily and sincerely with the Governor General in effecting a Peace on reasonable Terms. Means of Negotiation are in *his* Power, which are not within ours. To accomplish a Peace ourselves, against his Inclination, we know to be impossible. Till very lately our Hopes nearly amounted to Conviction, that we were all agreed on this Point, and that the Season of the Rains, in which Hostilities must cease on both Sides, would have been employed in effecting a Pacification. On this Principle we consented to the Proposition for accepting the Mediation of Moodajee Boosla. We wish to know if any and what Steps have been taken in Consequence. As this Measure has no Connection with the proposed Expedition, we hope it will not be deserted. Without making improper Advances to the Marattas, other Means might be taken to the same End; but we are perfectly sensible that none can succeed in which the Governor General will not take an active Part. If after all a formal Peace is not to be obtained, we do not think it follows that an offensive War must necessarily be continued. A general Outline of the Plan we allude to has been suggested to the Governor General. We do not think it advisable to enter into it in this Place; but we are ready to submit our Thoughts to him on the Subject, whenever he thinks proper.

(Signed) P. Francis.  
Edw<sup>d</sup> Wheler.

Mr. Francis—I beg leave to add a few Words to the preceding Minute, in reply to the personal Appeal made to me by the Governor General. I persuade myself he would not propose an Alternative to me which he thought I could not accept of with Honour. But, as I understand it, there is no Point of Honour in question. I think it belongs to the Governor General to propose and recommend such Measures, as he thinks fit, to the Approbation of the Board; and, circumstanced as we now are, it must be some very essential Consideration that can induce me to oppose him. I would neither attempt to take that Lead out of his Hands, nor yet engage implicitly to submit to his Opinions. Every View to my own Ease and Happiness would incline me to wish that the Constitution of the Government permitted him to dictate, or to resolve and act without me. But I am vested with a Public Trust, from the Duties of which I cannot be exempted while I hold the Station that creates it.

I believe the Governor General yielded to my Opinion, in resolving to recall and reduce Captain Popham's Detachment; but this was a Concession to which he did not long adhere. That he should have "laboured to accommodate his Sentiments to mine, by a studied Attention to my Sentiments in every Measure which he had ventured to propose in the Course of the last Fifteen Months," is a Fact with which I declare most solemnly I was utterly unacquainted.

(Signed) P. Francis.

## ( M )

Extract of a Letter from General Goddard, dated the 20th of June 1780; and received the 24th August.

I had the Honour to address you the 27th ultimo, acquainting you with the Enemy's Forces having desisted from further Attempts to make any Impression upon the Guzerat Province; and that, from every Intelligence I could learn, it was Scindia's Intention to relinquish the Country altogether, and march either towards Eugene or the Decan. A few Days subsequent to the Date of that Letter, my Hircarrahs brought me Accounts of Scindia's having removed *with his whole Army towards Ugein*. These Reports have been since confirmed, and it is now generally and confidently believed, that if he has laid aside the Design it was supposed he had formed, of visiting the Decan, and purposes *to pass the rainy Season at Ugein*. Holkar has accompanied him, and will reside at Indore, a principal City in the Neighbourhood of Eugene, and the Chief Residence of his Family.

In Consequence of the Departure of Scindia from the Neighbourhood of Guzerat, and the near Approach of the Rains, which did not admit of any Delay, I re-crossed the Narbuddee, and directed my March to Surat, where I arrived with the greatest Part of the Army the 8th Instant.

(N) Extract



# A P P E N D I X, N<sup>o</sup> II. (N) (O)

## ( N )

Extract Secret Consultations, 20th July 1780.

The Governor General—Notwithstanding the ill Success which my former Motions have met relative to Major Camac's Detachment, I must again revert to the Proposition made by me to the Board on the 19th ultimo, for the Extension of the Powers to be given to Major Camac in the Manner expressed in my proposed Draft of his Instructions, delivered in on that Day. I accordingly now move, That those Instructions be granted to him.

I have little to say in Addition to the former Arguments which I have urged in support of the principal Measure presented in them, but that it appears to me more necessary at this Time to create such a Diversion, by the Declaration lately made by Hyder Ally Cawn, or at least too strongly implied to admit a Doubt of its intended Construction, in his Letter recorded in the last Consultation. Every Accumulation of Difficulty requires an additional Exertion. For the same Reason I move, that the Order for reducing Captain Popham's Detachment, be repealed, and that it be formed into Three regular Battalions, to be commanded by the Three senior Captains now with that Corps; but as I understand the Commander in Chief left Lucknow on the 6th Instant, and is proceeding with all possible Expedition to the Presidency, I do not think it necessary to follow this Motion with any Proposal for the Disposition of this Corps until his Arrival.

Mr. Wheeler—No Arguments are used by the Governor General, in his late Proposition, in Addition to those which were stated in his former Minutes upon this Subject, to induce me to alter my Opinion respecting the First Instructions to Major Camac. I must therefore adhere to it.

I must confess the Governor General's Second Proposition is accompanied with a forcible Argument to support it. Times of War and public Calamity are certainly not the Times for diminishing our Military Force, particularly when we have every Reason to believe (both from the late Declarations which Hyder Ally has made, and also from the particular Measures which that Chief has lately pursued in relation to us) that an open Rupture betwixt him and the Company is not very distant.

For these Reasons I most readily coincide with the Governor General in repealing the Orders for reducing Captain Popham's Detachment, and that it "be formed into Three regular Battalions, to be commanded by the Three senior Captains, now with that Corps."

(Signed) Edw<sup>d</sup> Wheeler;

## ( O )

Minute of the Governor General, dated the 3d July, and communicated to Mr. Francis in a private Note on the Night of the 14th August 1780.

Governor General—Why Mr. Wheeler has thus repeatedly chosen to join his Name to Mr. Francis's, in the Minutes lately delivered by them to the Board, I can neither conjecture, nor seek to know. I can easily conceive Mr. Francis's Intention in obtaining this Association: But as the Rectitude of these Acts in Mr. Francis is to be judged upon very different Principles from those in which he has a common Concern with Mr. Wheeler, I shall consider them solely as his, and reply to them accordingly. Indeed I have no Doubt of their being all the intire Composition of Mr. Francis. They are not the less his by this apparent Division of the Property; and his Name affixed to them gives me the Right of regarding them as intirely his.

I did hope that the Intimation conveyed in my last Minute would have awakened in Mr. Francis's Breast, if it were susceptible of such Sensations, a Consciousness of the faithless Part which he was acting towards me. I have been disappointed, and must now assume a plainer Style, and louder Tone. In a Word, my Objections do not lie to the special Matter of his Minutes, to which I shall separately reply, but to the Spirit of Opposition which dictated them. I have lately offered various Plans for the Operations of the War. These have been successively rejected as I have successively amended, and endeavoured to accommodate them to Mr. Francis's Objections. I had a Right to his implicit Acquiescence. I have lastly proposed a Service, requiring immediate Execution, and I have freed it from the only Objection formally made to it. In answer, he says, that he adheres to the Reasons which had before induced him to withhold his Consent, and composedly invites me to lay before the Board a complete Detail of the Plan for conducting the War, a comparative State of the whole of the Object with the whole of the Means of attaining it, and the final Extent of my Demands on the Marattas, or what Concessions I would make to them; and he promises to enter into the Consideration of these Points with the utmost Candour. If his Design in this Inquiry was simply to gain Information, I might refer him to the large and confidential Discussions in which I have laid all my Views open to him, with all the Grounds on which they were formed. If his Purpose was to enable him to form a more clear or competent Judgment of the Plans which I have proposed, its Object would



## A P P E N D I X . N<sup>o</sup> II. (O)

would be lost in the Time required for the Deliberation. But, in Truth, I do not trust to his Promise of Candour, convinced that he is incapable of it, and that his sole Purpose and Wish are to embarrass and defeat every Measure which I may undertake, or which may tend even to promote the Public Interests, if my Credit is connected with them. Such has been the Tendency, and such the manifest Spirit of all his Actions from the Beginning. Almost every Measure proposed by me has for that Reason had his Opposition to it. When carried against his Opposition, and too far engaged to be withdrawn, yet even then, and in every Stage of it, his Labours to overcome it have been unremitted; every Disappointment and Misfortune have been aggravated by him, and every fabricated Tale of Armies devoted to Famine or to Massacre, have found their first and ready Way to his Office, where it was known they would meet the most welcome Reception. To the same Design may be attributed the Annual Computations of declining Finances, and an exhausted Treasury, Computations which though made in the Time of Abundance must verge to Truth at last, from the Effect of a discordant Government, not a constitutional Decay. To the same Design shall I attribute the Policy of accelerating the booted Event, and creating an artificial Want, by keeping up an useless Hoard of Treasure, and withholding it from a temporary Circulation.

I am aware of the Answer which will be made to these Imputations, and I will anticipate it. Mr. Francis may safely deny them, for they are incapable of positive Evidence. He may complain of the Injustice and Indecency of assuming the Interpretation of his Thoughts, and assigning Intentions to him upon the Reality of which he alone can pronounce with Certainty. He may claim an equal Right to recriminate upon me, and to pass the same free Judgment upon the Motives which have influenced my Public Actions. Against such Conclusions I trust that my Character will be sufficient to defend me, unless some known Instance of it can be produced as a Warrant for them, and such I am certain do not exist either known or unknown.

My Authority for the Opinions which I have declared concerning Mr. Francis depends upon Facts, which have passed within my own certain Knowledge. I judge of his public Conduct by my Experience of his private, which I have found to be void of Truth and Honour. This is a severe Charge, but temperately and deliberately made, from the firm Persuasion that I owe this Justice to the Public and to myself, as the only Redress to both for Artifices of which I have been a Victim, and which threaten to involve their Interests with Disgrace and Ruin. The only Redress for a Fraud for which the Law has made no Provision is the Exposure of it.

I proceed to the Proofs of my Allegation.

In the latter End of the Month of February last, Mr. Francis concluded with me an Engagement, of which One Article alone is necessary to the present Occasion. It is as follows:

“ Mr. Francis will not oppose any Measures which the Governor General shall recommend for the Prosecution of the War in which we are supposed to be engaged with the Marattas, or for the general Support of the present political System of this Government: Neither will he himself either propose or vote with any other Member who shall propose any Measure that shall be contrary to the Governor General's Opinion on these Points.”

By the Sanction of this Engagement, and the liberal Professions which accompanied it, I was seduced to part with the Friend to whose generous and honourable Support, steadfastly yielded in a Course of Six Years, I am indebted for the Existence of the little Power which I have ever possessed in that long and disgraceful Period, to throw myself on the Mercy of Mr. Francis, and on the desperate Hazard of his Integrity. It was impossible to afford a stronger Demonstration of the good Faith with which I entered into this Accommodation, nor of my Confidence in him, than thus consenting to deprive myself of the Means of breaking the Engagement on my Part, and of preventing the Breach of it on his; and surely this Difference in our relative Situations ought to have impressed him with a Sense of what he owed to the Delicacy attending it, and have made him dread even an Approach towards the precise Line of his Obligations, by the slightest Advantage taken of my Inability to repel it; and how much more ought it to have restrained him from the direct Transgression of it.

I must now revert to the Article of Mr. Francis's Engagement, which I have recited above, and to the Minutes lately delivered to the Board, under the Signatures of Messrs. Francis and Wheeler. On these I rest the Proofs which I have promised of the Charge herein preferred against Mr. Francis.

If it shall appear on a fair Comparison of these Evidences that Mr. Francis has faithfully adhered to his Engagements, I have wrongfully accused him. If on the contrary it shall appear, that in Violation of these Engagements he has opposed any Measures which I have recommended for the Prosecution of the War in which we are engaged with the Marattas, or for the general Support of the present Political System of this Government, or that he has either himself proposed or joined with another Member in proposing a Measure contrary to my Opinion in these Points, my Charge is established. I wish to avoid a Repetition of the Terms of it.

(Signed) Warren Hastings.

## (P)

Minute of Mr. Francis, entered in Consultation 11th September 1780.

Mr. Francis—The main Question between Mr. Hastings and me can be referred to no other Test but the Public Opinion of our respective Characters: I appeal cheerfully to that Test, and am ready to abide by the Event of it. On the Point in Issue I can only declare, as I do now in the most solemn Manner, that I never was Party to the Engagement stated by Mr. Hastings, or had a Thought of being bound by it. In one of our Conversations in February last, he desired me to read a Paper of Memorandums, among which I presume this Article was inserted. I returned it to him the Moment I had read it, with a Declaration that I did not agree to, or hold myself bound by, the Contents of it, or to that Effect. From that Time I have never seen the Paper: I never had a Copy of it, nor have I a positive Recollection of any thing it contained. The Agreement I meant to enter into with respect to the Maratta War, was to prosecute the Operations actually existing on the Malabar Coast, which, since the Campaign was begun, and General Goddard had already taken the Field, I thought should be pushed as vigorously as possible. I have no direct Evidence to produce in support of this Declaration; but I imagine it will be strengthened in some Degree by the following Considerations: It is not said that the Plan of another Expedition from the Upper Country into Malva, or any other Part of the Maratta Dominions on that Side of India, had ever been suggested to me. The Resolutions of the 29th of May last, formed on the Governor General's own Propositions, constitute, as I think, a strong Presumption, that up to that Period the Governor General had not had that Measure in Contemplation, or that he must then have abandoned all Thoughts of it. On that Day it was unanimously resolved, that Captain Popham's Detachment should be recalled and reduced, and that he should be relieved by Four Battalions under Major Camac. In this Arrangement nothing appears to have been in the View of the Board, but to diminish the public Expence without departing from the Terms of the Treaty with the Rana of Ghode. But Letters of the 20th of April to the Presidency of Bombay, to Brigadier General Goddard, and to the Commander in Chief, express the unanimous Opinion of the Board, *that our Resources were no longer equal to the Payment of General Goddard's Army, without draining Bengal entirely of its Specie, and that no Acquisition on the other Side of India could compensate for the Distresses which a Continuance of the War, at the present Expence, would bring upon the Company.* This indeed has been invariably my Opinion; but the Governor concurred in it, and drew up the Letters himself. The Evidence I appeal to is public and authentic; it is not for me to determine how far it ought to be deemed conclusive. The Observations which I must now proceed to offer on some Passages in the Governor General's Minute, shall be as short and moderate as I can make them: I mean to lead the Reflections of others from fair Presumptions to probable Conclusions, which is all that the Case will admit of, and by no means to engage myself or the Governor in any further Controversy.

I am not acquainted with the Governor General's Plan for carrying on the War, from what Funds it is to be supported, or on what Terms he would make Peace. It seems to me, that the Demand from Two Members of the Board was regular and in its Place. A very few Words would have been sufficient, to tell us what were to be the final Objects of the War. I would not venture to state the loose Discourses of a private Conversation, if I recollected them, on a Subject of such very great Importance; nor can I agree, *that the Object of the Question would be lost in the Time required for Deliberation.*

2d. The Governor General's Minute of the 28th of last Month, and the Letter from the Board of Trade of the 22d, are sufficient to shew, that my Annual Computations of declining Finances and an exhausted Treasury were well founded. Every Department of the Public Service is, and has been for several Months, in Arrear. As to the Deposit in the New Fort, it was placed there at my Motion, but long after Colonel Monson's Death, and with the Governor's Consent and Approbation. In the Secret Consultation of the 21st of May 1778, he speaks of it as a Fund *which we have appropriated for our own extraordinary Occasions*, and which we should not break in upon for any other Service. I cannot conceive that I am hostile to Mr. Hastings, in adhering to the Opinion which I have constantly and uniformly delivered on this Subject.

3d. The Evidence of the Charge against me is drawn from a Paper written by the Governor himself, of which I never had a Copy; though from the Manner in which the Quotation is introduced, it might naturally be taken for an Article in some formal Treaty between us: This is said to be *the Proof of his Allegation*; that is, the Charge and the Proof stand on the same Ground. In another Place he admits that *his Imputations are incapable of positive Evidence*: I submit to Judgment, whether it even be presumptive, except of his own Thoughts or Intentions, which I do not mean to question. How would he receive, or how would he answer, an Accusation against himself, no better supported than this?

4th. I submit to Judgment, whether the Engagement, as stated by Mr. Hastings, does not prove too much against me? Under the Terms of it, I must have consented to the March of every Battalion on the Bengal Establishment to the Malabar Coast, if Mr. Hastings had thought fit to propose it, or to any other Measure whatsoever, without Exception or Limitation, which he might have recommended

## A P P E N D I X, N° 11. (P).—N° 12.

recommended for the Support and Continuance of the War; from the Date of the Agreement I at once renounce all my former Declarations and Opinions, and all Choice, Will, and Judgment, for the future. Some Men perhaps may think me capable of such an Act; I hope and believe they are not many; but no Man, who knows any thing of the World, will think it possible that I could sacrifice myself in so gross a Manner without some secret adequate Compensation, if any Compensation could be equal to it. On this Head I have no other Evidence to appeal to, and I desire no better, than Mr. Hastings himself. If any thing was done or proposed by me for my Advantage, directly or indirectly, or if any thing was done or proposed for the Advantage of any other Person whatsoever, beyond what was publicly known and avowed (I mean the Re-instatement of Mahomed Reza Khan, Mr. Fowke, and Mr. Britlow, in Conformity to the Company's Orders) I call upon him to declare it: That of Mr. Britlow was the only Point of the Three which I yielded to suspend until the Month of October, or until the First Advices of the Season from the Court of Directors. In the actual Situation of Affairs here, and with the alarming and calamitous Accounts we had then lately received from England, I thought that some Agreement between Mr. Hastings, Mr. Wheeler, and myself, was essentially necessary to the Public Safety; I therefore met Mr. Hastings, with a sincere Disposition to come to an Agreement, and to forward it by every possible Facility on my Part. During the whole Course of the Transaction, nothing of any Moment was said or done without Mr. Wheeler's Knowledge and Participation.

With respect to Mr. Barwell's Departure, and the Inferences drawn from it, it is a Subject of which no Man at Home can judge so well as they who are on the Spot, and see what passes: The little I shall say of it is offered as Matter of Opinion, not Evidence. I believe it, for Instance, to be the Opinion of many well-informed Persons in this Settlement, as it is now firmly my own, that Mr. Barwell was determined to go Home last Season at all Events, and that the Swallow was kept for several Months on purpose for him: If so, Mr. Hastings gained something, and could lose nothing by his Agreement with me. But as Mr. Barwell's going Home was never demanded by me, nor ever entered into the Agreement, I have no Concern in Mr. Hastings's Motives for consenting to it.

If I deserved the Character attributed to me, I should not acknowledge, as I do, the Force of an Argument, deduced by Mr. Hastings from the defenceless Condition in which he was supposed to be left by Mr. Barwell's Departure: It is such an Argument as can only be felt by a Man of Honour. I admit the Principle laid down by Mr. Hastings, as far as it can be urged with any Colour of Justice or Reason: Whether I have departed from it or not is a Question of Fact; let it only be observed, that such a Principle is as liable to be abused on one Side, as to be violated on the other. Push the Inferences from it as far as they will go, and who does not see that a Tyranny may be created by it over the Mind of a Man of nice Sensibility and fearful of Reproach? With such a Weapon, so exercised, Mr. Hastings would possess a Power, which he assuredly never had while Mr. Barwell was in the Country. The Whole of this unfortunate Question between Mr. Hastings and me must some time or other appear before the Public: I do not wish to prejudice the Mind of any Man against him. My Conduct perhaps may be condemned on other Ground, but I do not see how it can be fairly imputed to base or interested Views. The Cause which I have hitherto endeavoured to maintain is not mine; I have no greater personal Concern in it than any other Member of the Community. After all, what is it to me more than to any other Man, whether there be a Maratta War or not, or in what Manner it is conducted?

(Signed) P. Francis.

## A P P E N D I X, N° 12.

### View of Dispute between the Council and Select Committee at Bengal.

Select, Letter from, 31<sup>st</sup> Aug. 1770, Par. 18, to the End.

**T**HE Select Committee; viz. the President, and Messieurs Claud Russell and Charles Floyer, advise the Court of Directors, that the Council has infringed the Powers of the Select Committee.

That the Committee have, however, the Satisfaction of their Sentiments being confirmed by their absent Members.

They urge the Necessity there is, that the Court of Directors be very explicit, how far the Line, drawn in January 1768, stands in Force, and renders the Select Committee independent of the Council; because, until that is determined, they say, there can be no Stability of Measures; and an undetermined Authority may be attended with very serious Consequences to the Affairs of the Company.

Letter from, 11<sup>th</sup> Sept. 1770, Par. 8.

The Select Committee repeat their Opinion, that great and important Inconveniences may arise to the Company, from the present embarrassing Situation of the Select Committee.

The

## A P P E N D I X, N° 12.

The Council, in their Secret Department, observe, that having lost all Expectations of seeing the Commissioners, they judged it improper any longer to delay those Objects of Reform and Regulation respecting the Dewannee Revenues, to which the Court had directed their Attention, in their Commands per Lapwing.

Letter from,  
8th Sept. 1770,  
Par. 7, 8, and 9.

They therefore agree to take the Subject into Consideration; and to have it determined, how far the Authority of the Board and of the Select Committee do extend.

Secret Conf.  
19th June 1770,  
Page 18.  
June 27th,  
Page 19.

Mr. Russell dissents from the above Resolution of the Board; because he deems a Discussion of the Powers of the Select Committee to be foreign to the Business of the Council. He refers to the Company's Letter, 12th January 1768, for an Explanation of the Powers of the Council, and of the Select Committee.

Whereupon the President deems it his Duty to summon a Select Committee, to inform them of the Purport of the Matter; and to deliberate on the Propriety of the late Determination of the Council. He then lays the Resolutions of the said Committee before the Council, and protests against the Council's Proceedings.

Secret Conf.  
27th June 1770,  
Page 21.

He expresses his Surprise at the Motion lately made in Council; and alludes to the Company's Letter of 12th January 1768, Paragraph the 9th, which confirms the Select Committee; and to Paragraph 10th, which particularly marks their Powers; one of which Powers is, \* "*To superintend the Collection of the Revenues arising from the Dewannee.*"

The President says, That no future Letters from the Company have directly broke the Line drawn in the above Letter of the 12th January; nor can such Intention be inferred by fair Implication, unless in the Appointment of Commissioners. And that, in case of Accident having happened to those Commissioners, it is not the Company's Intention for the Plan of Reformation, *in the Mode of collecting the Revenues*, to fall under any other Part of their Administration than the Select Committee; for if such had been the Case, the Court would in express Terms have withdrawn the Select Committee's Power; therefore, he cannot consent that any other Persons should share an Authority, which, in his Opinion, was never intended by the Company.

Page 22.

Mr. Floyer's Opinion—Mr. Floyer is of Opinion, That the said Letter of the Court of Directors, has fixed the Line of Duty both of Council and Select Committee; and observes, that although the Company has thought fit to transmit, in their General Letter, the greatest Part of their Orders respecting the Select Committee's Department; yet the Distinction has ever been deemed so conspicuous, that the Council have always transmitted to the Select Committee those Paragraphs of the General Letters, which fall under the Cognizance of the said Committee; by which Means, the Powers of the Select Committee have been always exercised, without any Prejudice to the Authority of the Board.

That if the Court of Directors intended that the Management of the Dewannee Revenues should be under the Council at large, there would be no Necessity for having continued so independent an Authority as that of the Select Committee; because the Collection of the Revenues is by far the most important Branch of the Government.

That in regard to the Point in question, so far are the Council from being authorized to carry it into Execution, that they are *expressly told, that it would be given in charge to the Commissioners*. This Assertion cannot be fully warranted by the Records. The Measure in question was indeed mentioned in the Commissioners Instructions; who are therein told, that a single Person at the Durbar is not sufficient, but that a Resident and Council, at the chief Places of Collection, seems a more eligible Measure; but the Particulars of the Plan were alone transmitted to the Governor and Council. That as the Power hath never been granted to the Council, it ought to remain with the Select Committee until the Arrival of the said Commissioners; and that should their Arrival be prevented by any unforeseen Accident, the Management of the Dewannee Revenues must still be vested in the Committee only. That if the superintending Power over the Revenues was intended to have been vested in the Council, the Commissioners would have been directed to consult that Board, and not the Select Committee, on a Subject of so much Importance to the Government.

Page 24.

That it was his Opinion, the Council had not the Power of entering upon a Discussion of the Committee's Authority; nor could the said Committee be justified in giving up any Part of their Authority to the Council.

Page 24 and 25.

Mr. Russell conceives, that the late Resolution of the Council is irregular and unprecedented; and that a Discussion of the Powers of the Select Committee, is foreign to the Business of the Council:

Page 25.

That by Letters from England of 12th January 1768 and March 1769, so late as Three Months only before the Lapwing's Departure, the Court had provided for a Succession to Vacancies in the Select Committee; and as no Repeal of their Orders had been transmitted, they must be still understood to remain in Force, beyond the Discussion or Controul of the Council:

That if the Court of Directors had meant to abridge, or revoke, the Powers of the Select Committee, they would have been explicit, and not have left any thing to be decided by Implication:

That the Lapwing's Letter implies no such Intention, as an Abridgment of the Select Committee's Power: That many Instances may be produced wherein the Council have been immediately addressed, Orders conveyed to them, and Censures passed on their Conduct, when in Fact, the said Orders and Censures could only be applicable to the Select Committee; and that the Company's Letter per Lapwing only conveys their Sentiments at large, and leaves it to the Board and Committee to separate what relates to each Department, according to the Line formerly drawn between them:

Pages 26 and 27.

Secret Conf.  
27 June 1770.  
Pages 26 and 27.

That it is very improbable that the Company meant to revoke, in Whole or in Part, the Powers of the Select Committee at Bengal, at a Time when they were establishing similar Committees at their other Presidencies; and when they had, by their last Letters, expressly commanded the Select Committee to assist the Commissioners: That the Powers of the Select Committee remain as they were fixed in 1768; and that, as before observed, the Letter per Lapwing implies nothing to the contrary: That the Board cannot, without perverting the Meaning of the Company's Orders, consider the Plan of Revenues as addressed to them; and that it is not meant, that the Measure should be carried into Execution, either by the Council or \* Select Committee, but by the Commissioners only; and further, that the Committee ought to remonstrate against, and warn the Council of the evil Tendency of their late Attempt.

The Select Committee being unanimous, that the Resolution of the Council is irregular, and having deliberated on the Nature and Tendency thereof, resolve and determine,

1st. That the Powers of the Select Committee are precise, and that they have not been, directly or indirectly, altered, revoked, or abridged, either by Expression, or by the most distant Implication.

Page 28.

3d. That in regard to Arguments being drawn from the Stile of the Lapwing's Advice to the Council, on the Subject of the Revenue, in Prejudice of the Powers of the Select Committee, they are hasty and inconclusive; because it is usual for the Court of Directors to address the Committee through the Channel of the Board, without any Intention to diminish the Power of the Select Committee, leaving to the Council and said Committee, to regulate and separate what belongs to each Department.

That the Council themselves have always put such Construction on the Company's Orders, and selected, and sent to the Committee, such Paragraphs as peculiarly relate to their Department.

4th. That the very Existence of the Select Committee is affected by this Motion of the Council; because the Question of the Committee's Right may be applied to all political Transactions whatever.

5th. That the Orders respecting the Reformation in question, do neither regard the Council, nor the Select Committee; but the Commissioners only: And should they never arrive, it rests with the Select Committee alone to execute those Orders:

Page 29.

6th. That it is contrary to all Form and Rule to suppose, that the Court could intend an Abridgment of the Select Committee's Powers, and leave their Sentiments, on a Subject so delicate and important, to be collected from loose unconnected Hints, scattered up and down in their Letter, without expressly declaring their Pleasure concerning it:

7th. That the Select Committee is not amenable to the Council:

8th. Nor can they concede to the Council any of the Powers mentioned in those Letters, which vest them in the Select Committee; *but they declare, that they will uphold and maintain the same, notwithstanding any Proceedings of the Board to the contrary.*

Page 30.

Mr. Barwell is of Opinion, that the Subject to be considered is not the Powers of the Select Committee, but how far Individuals are responsible for the Execution of Orders, transmitted by the Court of Directors to the whole Body of the Council; and in what Degree the Court may deem the Members of Council responsible, should they acquiesce in an Authority, assumed by the Select Committee, to debate upon the Propriety of enforcing, or not enforcing, the Company's Orders:

That it is absurd to suppose the Court would issue Orders of the greatest Moment to the Council at large, if such Orders were to be executed by the Select Committee alone:

That the Intentions of the Company, by the Measure in question, appear too strongly pointed out to be mistaken by the Board: He concludes with asking, Who is to execute the Court's Orders, sent to their Governor and Council? Upon which,

The President proposes a previous Question; viz.

Whether, after the Protest of the Select Committee against the Council, the Board shall enter upon the Subject at all?

Page 31.

Mr. Barwell gives it as his Opinion, That the Protest of the Select Committee cannot affect the Deliberations of the Board.

Mr. Reed is of Opinion, That it was *unanimously* agreed at their last Meeting, to take the Matter into their Consideration; therefore, he conceives that the President only means to caution the Board not to attempt to pass the Line drawn by the Company; and he desires it may be understood, that it is far from his Wish to intrude on the Province of the Select Committee; all he requests is, to take the Sentiments of the Board upon the Intentions of the Court of Directors, respecting the Powers vested in the Council by the late Orders addressed to the Governor and Council.

Mr. Russell answers, That Mr. Reed is mistaken: That the Board was not *unanimous* in their late Resolution. To which Mr. Reed replies, That there appeared no Dissent therefrom at that Time; which is the true State of the Case.

Messrs. Hare, Jekyll, and Lane, concur with Messrs. Barwell and Reed, that the Protest of the Select Committee ought not to impede the Deliberations of the Council.

Agreed, by the Majority, That the Subject be debated.

\* Mr. Russell expressly contradicts his own Words, in Page 62; and owns, *that the Measure should be carried into Execution by the Select Committee.*



Secret Conf.  
27th June 1770.  
Page 31.

But previous therunto, the President proposeth another Question; viz, Whether the Powers of the Select Committee, as contained in their General Letter of 1768, stand repealed by any succeeding Letters to the Governor and Council?

Mr. Barwell is of Opinion, That the Question of the President is foreign to the Subject; and that the Powers of the Select Committee, be they what they may, cannot subvert the Company's Orders, addressed immediately to their Governor and Council.

Mr. Lane is of Opinion, The Select Committee's Powers are not repealed.

Mr. Jekyll is also of Opinion, They are not repealed.

Mr. Hare believes, They are not repealed; but that it can be no Argument against the Board's exercising the Powers vested in them by the Company's Orders.

Mr. Reed says, That although the Select Committee's Orders do not appear formally repealed; yet if subsequent Commands counteract former Orders, he is of Opinion the latter should be adhered to.

Page 30.

Mr. Floyer is of Opinion, They are not repealed; and that no subsequent Orders received can possibly be construed into a Diminution of their Authority.

Page 31.

Mr. Russell declares, They are neither repealed, nor abridged.

The President concurs with Messrs. Floyer and Russell.

The Majority are of Opinion, That they are not repealed.

Mr. Barwell observes, That his Intention is by no Means to question the Powers of the Select Committee; but he only desires to receive Information on Points relative to his Duty as a Member of the Board. He therefore proposes a Question to this Effect:

How far is every Member of the Board responsible for Orders transmitted by the Court of Directors to the Governor and Council? or in what Degree reprehensible, for acquiescing in an Authority assumed by the Select Committee, to debate upon the Propriety of enforcing, or not enforcing, the said Orders?

Mr. Barwell's Opinion is, That Orders from Masters to Servants imply an Expectation of Obedience: That Servants will be deemed blameworthy, should Complaisance to Fellow Servants induce them to refer the Execution of the Company's Orders to Persons not intrusted therewith by the Company.

Mr. Lane concurs with Mr. Barwell.

Mr. Jekyll's Opinion is, That every Member is responsible for all Orders addressed to the Governor and Council.

Page 34.

Mr. Hare's Opinion is, That every Member is responsible for the Execution of all Orders, which are not particularly addressed to the Select Committee.

Mr. Reed's Opinion is, That every Member is responsible; and that Inattention to Orders of so great Importance as the Subject in Debate, would draw upon the Board the severest Displeasure of their Employers.

Mr. Floyer's Opinion is, That a Member of the Council is only responsible for the Execution of such Orders as are pointed out by the Court of Directors to be within his Department; and that it is the Duty of the Board, to refer all Orders to the Select Committee, which are within the Line prescribed by the Company's General Letter, 12th of January 1768, Paragraphs 9 and 10.

Mr. Russell's Opinion is, That every Member is responsible; but that it being customary for the Company to convey Orders through the Channel of their General Letter, which, nevertheless, fall immediately under the Select Committee's Department, the Council cannot be deemed responsible for the Execution of such Orders, which evidently do not relate to their own Department.

Page 35.

Mr. Cartier's Opinion is, That no Servant is responsible for Orders which have no Reference to his particular Department.

The Opinion of the Majority being collected, it is, That every Member is responsible for Orders addressed to the Governor and Council.

Mr. Barwell proposeth a Second Question:

Whether it be not improbable, that the Company would issue precise and positive Orders, of the greatest Moment, to the Council at large, and yet suppose that the Select Committee alone should execute those Orders, independent of the Council?

Mr. Barwell's Opinion is, That it cannot be supposed the Company would issue Orders to their Servants in Council, when they must know, at the same Time, that those Servants had it not in their Power to obey their Masters Orders.

Mr. Lane agrees with Mr. Barwell.

Mr. Jekyll's Opinion is, That the Court of Directors, in their Letters, have Respect to the different Departments, and, in consequence, give their Orders to those, by whom they expect them to be executed.

Mr. Hare's Opinion is, That the Orders of the Court of Directors are too clear to admit a Doubt by whom they should be carried into Execution.

Mr. Reed cannot conceive, That the full and particular Orders in question would have been sent by the Company to the Council, on the most important Subjects, if the Council were not intended to execute those Orders; and observing especially, that the Court of Directors have not at all addressed the Select Committee on that Occasion.

Page 36.

Mr. Floyer only refers to his former Opinion, already delivered in to the Board.

Mr. Russell thinks the Question is answered by the Determination of the Board, that the Court's Orders to the Select Committee stand unrepealed.

Mr.



# A P P E N D I X, N° 12.

Secret Conf.  
27th June 1770.  
Page 36.

Mr. Cartier refers to Examples, wherein the Company reply, in their General Letters, to such Transactions as respect the Select Committee only, and sees no Contradiction in understanding the present Orders in that Light.

The Opinion of Majority being, That all Orders addressed to the Board should be executed by the Governor and Council;

A Third Question was proposed by Mr. Barwell:

Whether the Board ought to act conformably to what appears to be the Intention of the Company? which Intention, he observes, is too strongly pointed out for the Board to mistake it.

Mr. Barwell is of Opinion, That it is the Duty of the Board to fulfil the Company's Expectations, and not to object against the Mode by which they are expressed.

Mr. Lane concurs with Mr. Barwell; and

Mr. Jekyll does the same; unless, from a thorough Conviction, the Board should be satisfied, that a Deviation from what appears to be the Company's Intentions, would be more for the Company's Interest.

Page 37.

Mr. Hare is of Opinion, that the Board ought to pay a strict Regard to what appears the Intention of the Company, and to act as near to the Spirit of their Commands as possible.

Mr. Reed agrees in Opinion with Mr. Jekyll.

Mr. Floyer does not think the Board justified in putting their own Constructions on any Part of the Company's Letters, when *positive Orders are opposed thereto* \*.

Page 38.

Mr. Russell is of Opinion, that the Council ought to confine themselves to the Company's *Positive Orders* †, and not exceed the Line drawn in January 1768.

The President is of Mr. Russell's Opinion.

Upon a Collection of Voices, the Majority are of Opinion, That the Board ought to act agreeably to what appears to be the Intention of the Company.

Whereupon a Fourth Question is immediately put; viz,

Who is to execute the Company's Orders to their Governor and Council?

Mr. Barwell's Opinion—The Governor and Council.

Mr. Lane's—The Governor and Council.

Mr. Jekyll—The Persons to whom the Orders are addressed.

Mr. Reed—The Governor and Council, in all Cases where they are not expressly referred to any other Department.

Mr. Floyer is of Opinion, That the Court of Directors have anticipated an Answer to that Question, by appointing a Council and Committee to perform the Duties of their several Departments.

Mr. Barwell wishes Mr. Floyer would be more full and explicit.

The Board deem Mr. Floyer's Answer sufficient.

Page 39.

Mr. Russell is of Opinion, that such Orders as relate to the Board should be executed by the Council; and that the same Rule should be observed by the Select Committee.

Mr. Cartier is of Mr. Russell's Opinion; and that the Rule of their Conduct be the Line which was drawn in January 1768, by the Court of Directors.

Mr. Barwell objects to these Opinions, as insufficient, and not directly to the Question:

The Board over-rule Mr. Barwell's Objections, and deem the Answers sufficient.

The Majority agree, That the Company's Orders to the Governor and Council ought to be executed by that Board.

Whereupon Mr. Barwell proposeth a Fifth Question.

Whether, upon the supervising Power being withdrawn from the Select Committee, it be abolished, or conferred on the Governor and Council?

Mr. Barwell is of Opinion, That of Necessity a general supervising Power must exist in the Government; and that being withdrawn from the Select Committee, it devolves again on the Board of Course.

Page 40.

Messrs. Lane, Jekyll, Hare, and Reed, concur with Mr. Barwell.

Mr. Floyer is of Opinion, that a general superintending Power being withdrawn from the Committee by the Court of Directors, is not vested in the Council, nor is it intended by the Court of Directors to exist at all; but that each Department enjoys its own particular superintending Power.

Mr. Russell is of Opinion, that the Board has a superintending Power in all Things, excepting those relative to the Select Committee; who are in all Matters relative to their own Department, entirely independent of the Council, except in Cases where the Committee is directed to obtain the Council's Approval.

The President concurs with Mr. Floyer.

The Majority are of Opinion, that as the general supervising Power is withdrawn from the Committee, it becomes vested in the Council of course.

Mr. Reed proposeth a Question—Whether it doth not appear to be the Meaning of the Court of Directors, that the Comptrollers of the Dewannee Revenues be appointed by, and continue under, the Directions of the Governor and Council?

Page 41.

Mr. Barwell is of Opinion, That the Orders per Lapwing are too explicit to be mistaken; that a Committee of Revenue be appointed, and that they be under the Directions of the Board at large.

\* It is not easy to conceive what Mr. Floyer's Meaning can be in the Expression; because, if taken literally, the Company's *positive Orders* are in direct Opposition to Mr. Floyer's avowed Sentiments, repeatedly expressed in the Course of this Debate.

† The same Observation occurs also on Mr. Russell's using the same Words.

## A P P E N D I X, N<sup>o</sup> 12.

Mr. Lane's Opinion is, That by the Tenor of the Lapwing's Letter, it is intended, that the Appointments and Transactions relative to the Dewannee Revenue, should be through the Channel of the Governor and Council.

Secret Cont.  
47th June 1770  
Page 42.

Messrs. Jekyll and Hare concur with Mr. Barwell.

Mr. Reed is of Opinion, That the Company's Commands are so express and clear, that they are not easily to be misunderstood, and that it is thereby intended; that the Comptrollers of the Dewannee Revenue should be appointed by the Board, and continue under its Direction.

Mr. Floyer is of Opinion, that the Company's Intention was to vest a sole Power in the Commissioners, to appoint Comptrollers of the Revenue, and to adopt a new Plan for the Management of the Collections: That in case the Commissioners should not arrive, the Consideration of the Court of Directors Plan would devolve upon the Select Committee; and that *if the Select Committee should deem Councils of Revenue at Moorshedabad and at Patna necessary*, the Appointment of Persons to compose those Boards of Revenue, should be made by the Governor and Council.

Mr. Russell's Opinion is, that if the Council of Revenue should be immediately under the Board at large, it would annex the Revenue Branch to the Council's Department; and that such a Regulation would be contrary to those Orders which constitute the Committee: And as the Board have determined that those Orders, which give Power to the Committee, are not repealed; such Determination of the Board is in itself an Answer to the Question:

Mr. Cartier concurs with Mr. Russell.

The Majority are of Opinion, that it is the Meaning of the Court of Directors, that the Governor and Council do execute their Orders relative to the Appointment of Comptrollers to the Dewannee Revenues, and that such Comptrollers be under the Direction of the Governor and Council.

Page 43.

Mr. Barwell submits another Question to the Board; viz.

Whether the Sentiments of the Majority are to be adopted, and the Minority to comply therewith?

Mr. Barwell is of Opinion, that Government cannot exist if the Minority be permitted, at Pleasure, to controul the Sentiments of the Majority.

Messrs. Hare, Lane, and Reed, concur with Mr. Barwell.

Mr. Jekyll also, provided the Sentiments of the Majority be not repugnant to the Orders of the Court of Directors.

Mr. Floyer's Opinion is, That the Majority of Voices in the Council should direct the Operations of Government, so far only as such Operations come under their Department; but that such Majority ought not in the least to influence the Committee, whilst they confine themselves within the Line prescribed by the Court of Directors.

Mr. Russell declares, That a Majority must sway in all Matters which come under the Council's Department.

Page 43.

The President is of Opinion, that the Power of the Council respects the Disbursements of Money upon extraordinary Emergencies, and the Approval or Ratification of Treaties: That all other Proceedings of the Committee are foreign to the Council, and laid before the Council rather for their Information than their Controul.

The Voices being collected, the Majority are of Opinion, That all Matters submitted to the Judgment of the Board, are to be determined by a Majority of Voices.

The Orders of the Court of Directors, upon which has arisen so great an Altercation between the Members of the Council and Select Committee at Bengal, were transmitted in a General Letter to the Governor and Council; and the Lapwing Snow was bought on Purpose, and dispatched Express, that no Time might be lost in conveying the said Orders to that Presidency; and there was not any Letter at all sent per that Conveyance to the Select Committee.

The Paragraphs, which are more immediately connected with the Subject contain these Words; viz. \*  
" Par. 15. A Plan of Reformation, of so extensive a Nature, cannot be effected by One Man; it must be the constant Attention of many; and for this Purpose, we have resolved to establish a Committee, of some of our ablest Servants, for the Management of the Dewannee Revenues at Muxadavad, for the Bengal Province, and at Patna for that of Bahar.

" 16. The Gentlemen to be so appointed shall be Comptrollers for the Management of the Dewannee Revenues, under your Direction; and they are to have so many other of our Junior Covenanted Servants for Assistants, as from Time to Time may be found necessary to be sent into the several Provinces; to correct Abuses, and maintain the intended Reformation.

" 17. The Object of this Council must be; first, to inform themselves of the real State of the Collections in every Part; that is to say, what Rents are at this Time actually paid by the Tenants, and what was paid formerly? What is the Nature of the Cultivation, and what the chief Produce of each District; and whether, in that Respect, there seems a Prospect of Improvement. They are next to inform themselves of the Amount of the Charges of Collection for some Years past, in as particular a Manner as possible; and you are then to judge how many of the Aumils, and other Officers, among whom those immense Sums have been divided, may be spared. This Saving, as far as it can reasonably be carried, at the same Time that it will be a Profit to the Company in Point of Revenue, will likewise be a Relief to the Tenant; for it cannot be doubted, but that these numerous Instruments of Power lay the Inhabitants under Contribution, in various secret Ways, over and above what appears upon the Face of Accounts.

\* Compare these with Par. 5, 6, 13, to 20.

## A P P E N D I X, N<sup>o</sup> 12.

" 18. In this Reformation you are to proceed with a moderate, steady, and persevering Spirit of Enquiry; looking rather to the Prevention of Frauds for the future, than the Punishment of those Offences which have already passed; and which, if not justified, are at least much palliated, by the immemorial Custom of the Moorish Government."

Secret Conf.  
3d July 1770.  
Page 45.

Mr. Reed, in a Minute, observes, That the above quoted Orders are full, positive, and explicit. That he cannot conceive it was intended by the Court of Directors, that Matters of so great Moment should be delayed till the Arrival of the Commissioners, the Time of whose Departure was not so much as fixed when the Lapwing sailed. That it is improbable the Court would have been at the Charge of an Express, to convey to the Governor and Council certain Orders which could not be supposed to take place before the Arrival of the Commissioners; because, in case this had been their Intention, they might have delivered the Orders to the Commissioners themselves.

Page 46.

That Expectation of seeing the Commissioners, had induced him to remain so long silent: But that Six Months having passed since they were at the Cape; and the Revenues being in Arrears, and in a perplexed and declining State; not merely owing to the Calamities arising from want of Rain, but by the Venality and Mismanagement of the Collectors; the Case was now altered, and the Evils required a speedy and effectual Remedy.

That the Appointment of Civil Servants \* by the Select Committee to Posts in the Service, without the Knowledge of the Council, is an unusual Stretch of Power; and could not but alarm those Members who were left ignorant of such Appointments.

Page 48.

That the Discontinuance of a Measure unanimously adopted by the Council and Select Committee, to form a Secret Department, and to lay the Select Committee's Proceedings from Time to Time before the Council for their Approbation and Concurrence, was also a Matter of great Concern to him; and therefore, being desirous of seeing the Company's Expectations answered respecting the Dewannee Revenues, and the general Good of the Country promoted, he judged it his Duty to concur in the Proposal made at the Board the 19th of June. But that as to a Discussion of the Select Committee's Powers being a primary or immediate Object, he was certain it was far from being intended by those Gentlemen who now differed from the Gentlemen of the Select Committee in their Sentiments upon the above Subject, and who promoted the general Measure proposed to be agitated at that Time.

Page 49.

That the Select Committee had not waited for the Day in which it was unanimously agreed in Council to take up the Matter; but had met as a Select Committee, and pronounced the late Resolution of the Council irregular. That the Council and Select Committee had heretofore unanimously understood, that the general superintending Power was withdrawn from the Select Committee, and that it had devolved of course on the Council was very evident; because they had agreed thereupon to form a Secret Department in the Council, and determined that the Select Committee's Proceedings should, from Time to Time, be laid before the said Secret Department, for their Consideration and Concurrence. And that the Affairs of the Company, respecting the Dewannee Revenues in particular, were considered at that Time as cognizable by the Secret Department, appears fully from the Conduct of the Select Committee; who referred their Plan for supervising the Collections of the Revenues, together with the Instructions † prepared for the intended Supervisors, to the Council at large for their Determination; and which Supervisors were also appointed by the said Board. That it appears very extraordinary, that the Members of the Select Committee should now see the Matter in a different Light; and determine that the Council can have nothing to do with the Dewannee Revenues, even notwithstanding the Company's express Orders transmitted to the Governor and Council for that Purpose.

Page 51.

That although the Court of Directors had at Times signified, through the Channel of their General Letter, their Displeasure concerning the Conduct of the Select Committee, it had been principally respecting Measures which had been adopted with the Concurrence of the Board at large. And as to its being urged by the Select Committee, that it had been a common Practice for the Council to transmit such Extracts from their Letters as might be deemed cognizable by the said Committee; if this proves any Thing, it must be, that the Board did not see the Lapwing's Dispatches in that Light, and therefore never transmitted them to the Committee; but that the Board's General Letter of 31st January last, wherein they reply to the Lapwing's Letter in question, is an absolute and striking Proof, that they were then unanimously of Opinion, That the Orders received per Lapwing, relative to the Dewannee Revenues, were intended to be carried into Execution by the Governor and Council.

Mr. Barwell recapitulates the several Opinions and Resolutions of the Board on the Subject at their last Meeting; viz.

That the Board is reprehensible for not executing the Company's Orders.

That the Board ought to execute those Orders.

That the general supervising Power rests with the Council.

\* Vide Mr. Lushington's Appointment, by the Select Committee alone, to be an Assistant to Mr. Graham, in the Supervisanship of Houghly; and to succeed Mr. Graham, when the Post becomes vacant. Sec. Conf. 26th May 1770; fol. 322. Mr. Lushington was afterwards appointed, or confirmed, in the Supervisanship of Houghly, by the Council. Vide Secret Conf. 2d August 1770. fol. 81.

† Vide Secret Conf. 22d August 1768.

‡ Vide Secret Conf. 4th September, Page 141. 5th October 1769, Page 152.

That

That the Instructions per Lapwing are explicit.

That a Committee of Revenues is ordered to be appointed, under the Direction of the President and Council.

That Government cannot exist, if a Minority may over rule a Majority.

*That the Powers of the Select Committee were not formally revoked.*

As the Gentlemen of the Select Committee have insisted much upon the last-mentioned Resolution; and also, that the said Committee's Authority is independent of the Board; he declares it not his Province to discuss those Points, but that the Company must decide thereupon for themselves.

That if he has erred in his Opinion, it could not be productive of Evil, but tended only to fulfil the Company's Orders.

That the Season of Collection was far advanced, and the Arrival of the Commissioners become exceedingly precarious.

That when the Council \* wrote to the Court, and informed them that they should postpone the Execution of the Plan till further Orders, it was because the Commissioners were daily expected; but as near Seven Months had now elapsed since the Aurora left the Cape, there was too much Reason to fear she is lost.

That if the Board does not execute the Court's Plan, there is no Probability of its being adopted at all.

That the Select Committee, by concurring in the said Letter of January 31st, admitted the Propriety of the Board's taking the Subject into Consideration, though they now declare it foreign from the Council's Department, and an Encroachment upon the independent Authority and exclusive Powers of the Select Committee: That the Subject is the same as it was at that Time, and many of the Parties the same: That it not being his Intention to attempt a Refutation of the Arguments urged by the Select Committee in Support of an independent Authority, but without questioning such an Authority to confine himself to the Powers delegated to the Council by the Court of Directors, and to act conformably to what appears to be their Intentions.

The Board agree to take Mr. Barwell's Minute into Consideration; but Mr. Russel dissents from such Resolution.

Mr. Jekyll observes, That after what has passed, he conceives that nothing can occur to impede their yielding ready and punctual Obedience to Commands, very explicit in themselves, and apparently so very necessary to the Interest of the Company, as are the Orders per Lapwing; but as the Measure has met with Opposition from the Gentlemen of the Select Committee, he deems it his Duty to assign his Reasons for concurring so long in a Delay thereof, and for now urging its immediate Execution.

That when the Board advised the Court they should postpone the Plan till further Orders, they hoped the Supervisors already sent out would in some Degree have answered the proposed Benefits; but that their Appointment had only served to confirm him in his Opinion of the Necessity of an early Adoption of the Plan transmitted by the Court of Directors: That the Safety of the Commissioners is now become exceedingly uncertain; and even should they arrive, he deems the Court's Orders per Lapwing so full, that he believes little more could be added by the said Commissioners on that Point.

That the Year being now far advanced, if the Plan be further delayed, no Advantages could be expected therefrom in the Course of the present Season.

That the Gentlemen of Select Committee have given sufficient Reason to doubt of their Acquiescence in the proposed System at all. He further observes, that although the Select Committee have asserted an independent Authority, he does not think them warranted in some of their Proceedings; and particularly, he believes them not authorized to appoint Servants to Employments without the Knowledge and Concurrence of the Board; nor can he suppose they have any independent Right, as hath been pretended, to the Disbursements of Money, unless in Cases of Emergency.

That he means to contend for Authority no further than as it respects the Execution of the Company's positive Orders.

That he cannot but regard Protests against the Liberty of discussing Measures at the Council Board as altogether unprecedented, and as carrying an undue Air of Intimidation.

That the Motive for proposing a Consultation to be held in Council, was Respect to the Company's Orders, and not solely to discuss the Select Committee's Powers, as had been alledged by the Gentlemen who compose that Committee.

That it appears to him, that the Majority of the Members of Council have always disavowed such a Sentiment; and he does now, on his own Behalf, formally disavow such Intention.

That he only concurs in supporting such an Authority as is necessary to enable the Council to execute those of the Company's Orders, for which he deems the Board responsible.

That the Reprehension of the Board for the Select Committee's Conduct implies, that the Court of Directors do not, by any Means, deem the Select Committee independent of the Council, but rather the contrary.

That the Select Committee must have been of the same Opinion, when they themselves moved for the Establishment of a Secret Department; before which Department it was proposed that the Select

Secret Conf.  
3d July 1770.  
Page 51.

Page 54.

Secret Conf.  
6th July 1770.  
Page 55.

Page 56.

57.

58.

59.

60.

\* Letter from, January 31st 1768.

Secret Conf.  
6th July 1770,  
Page 60.

Committee's Proceedings should be regularly laid, for their Approbation or otherwise; and which had, till of late, been the Practice of the Two Departments. That in the Letter per Lapwing, the Governor and Council were directed to adopt a particular Mode for regulating the Dewannee Revenues, which was to be under their own Controul.

That the Governor and Council must have viewed the Matter in that Light, when they subscribed, in their Secret Department, to the Reply made to the Court's Orders upon the Subject.

That Mr. Reed's Sentiments, before expressed, being perfectly consonant with his own, he avoids a Repetition of what has been delivered to the Board by Mr. Reed.

62. Mr. Hare agrees with Mr. Reed; and further observes, on the President's Minute, that as the Council and Committee draw their Conclusions and Pretensions from one and the same Authority, they may possibly both be in some Respects erroneous: That if the Board is in an Error, it errs in fulfilling the Company's Commands; but that the Select Committee's Error, if such it should prove, is, in aiming at an independent Authority, to judge whether it be proper to obey the Company's Commands or not.

In consequence of Mr. Barwell's Minutes, another Question is proposed to the Board; viz.

Whether the Company's Intentions, of having Councils of Controul at Muxadabad and at Patna, shall take place?

Mr. Barwell is of Opinion, That the Company's Intentions should take place. Messrs. Reed, Hare, and Jekyll, concur with Mr. Barwell.

Mr. Floyer is of Opinion, That the Council of Controul are intended to be appointed by the Commissioners only; and that, in case of Accident happening to them, the Plan already \* adopted by the Select Committee should continue in force till the Orders of the Court of Directors be known.

Mr. Russell thinks the Subject in Debate does not come properly before the Council; but gives it as his Opinion, that the Company's Intention should take place, and that the Measures should be adopted by the Select Committee.

Mr. Cartier is of Opinion, That the Measure ought not to be adopted without more ample Instructions from the Company.

The Majority being for the Question;

Messrs. Beecher, Reed, Laurell, and Graham, are appointed a Committee of Revenues at Muxadabad; and Messrs. Alexander, Vanlittart, and Palk, are appointed to the like Office at Patna.

Whereupon the President again urges, as a Reason for suspending the above Appointments, *That the Plan in question is intended to be carried into Execution by the Commissioners*: That those Commissioners being furnished with ample Instructions, may either approve the Plan proposed, or adopt any other that may appear more advantageous: That, in the Course of the Year, the Council may be ordered to open the Commissioners Instructions; without which, they may wander from the chief Design of the Company: That the deep Distress of the Country, and an empty Treasury, together with the improper Working of Imagination in the Natives upon every important Change of System, render the present an improper Time to try the Experiment: That though he does not think the Measure in itself dangerous, he thinks it ill-timed: That Three Months sooner, or Three Months later, would be more proper; because, as the Collections were then just commencing, it might possibly prove a Means of checking them: And that no Alteration ought to be made for Two Months at least.

Secret Conf.  
13th July 1770,  
Page 66.  
67.

The respective Councils of Controul were thereupon ordered to hold themselves in Readiness to take Charge of their several Appointments, *by the First Day of September ensuing*; of which the Resident at the Durbar was also advised.

Secret Conf.  
17th July 1770,  
Page 68.

Draft of Instructions being prepared for the Council of Controul, and ordered to remain for Consideration;

Mr. Floyer dissents from that Resolution; and gives it as his Opinion, That all Orders and Instructions of that Nature should proceed from the Select Committee, they being alone responsible for all Matters relative to the Dewannee Revenue.

69.

Mr. Russell also dissents, for the like Reasons.

The + Council have complained, in their Secret Letter, that the Proceedings of the Select Committee are not laid before the Board, for the Approval of the Council, as in Times past, *but for their Information only*.

Secret Conf.  
24th July 1770,  
Page 73.

The Circumstance adverted to, and which seems to have given Rise to the above Complaint, appears not very accurately represented by the Council in their Letter to the Court of Directors.

The Fact is this; the Select Committee having laid their Proceedings of the 9th and 21st June before the Council; and the President having declared, that a Part thereof were for the *Approbation of the Council, and the Remainder for their Information only*, it appears, that the Subject of the Proceedings of the Select Committee, which were submitted to the Council for their Approbation,

\* Mr. Barwell notes here, that the Measures said to be adopted by the Select Committee, were only recommended by the Select Committee to the Council; but that it was adopted by the Council at large.

+ Secret Letter from, 8th Sept. 1770, Par. 20.



were two-fold : The first, respecting the Appointment \* of Four Persons to be Supervisors for the Bahar Province ; and the Second, was the Deviation which they had made from the original Plan of Supervisors. The Appointment of the Four Supervisors was † afterwards confirmed by the Council, in their Secret Department. The other was ordered to lay by for Consideration.

Secret Conf.  
24 July 1770.  
Page 73.

The only Impropriety of the Select Committee's Conduct in this Instance seems to be, in having so long ‡ deferred to lay those Matters before the Council, to which the Concurrence of that Board was deemed necessary.

In Answer to the Dissents of Messrs. Russell and Floyer, Mr. Barwell desires it may be remembered, that neither Mr. Russell nor Mr. Floyer had contended for exclusive Powers, in order to fulfil the Company's Orders ; but to judge of, and to controul, the Company's Commands at their Pleasure.

75.

That he hopes the Court of Directors will not be displeased, that the System they have laid down for regulating the Dewannee Collections, has been so long delayed ; when they consider, that a Want of Harmony in the Execution of Orders, must ever greatly embarrass those who most wish to fulfil them.

Mr. Floyer answers, That although he may unhappily differ in Sentiment from a Majority of the Board, it shall never influence him to counteract their Proceedings, nor render him backward in enforcing them.

Secret Conf.  
2d August 1770.  
Page 83.

The Board having notified the Appointment of Councils of Revenue to Mr. \* Becher at the Durbar, and Mr. Alexander at Patna.

79 and 80.  
Vide page 67.

Mr. Becher replies, That so long as his Stay in the Country will permit, he shall not fail to promote the Company's Welfare, and the Interest of the Country, in Conjunction with the Persons appointed to form the intended Council of Controul at Muxadabad ; but laments, that the Gentlemen so appointed should be so soon recalled from their Employments as Supervisors ; and declares his own Resolution to proceed to Europe by one of the Ships of the present Season.

Mr. Alexander promiseth entire Obedience to the Council's Appointments and Commands on this Subject.

Secret Conf.  
23d August  
Page 92.

Instructions having been prepared by the Board, for the Guidance of the Gentlemen appointed to be Councils of Controul, and those Instructions being founded upon, or consonant to the Letter and Spirit of the Orders transmitted by the Court of Directors per Lapwing, there would remain little Doubt of the Measure operating according to the Intentions of the Court, were it not for sundry Orders and Resolutions of the Select Committee, which seem but too evidently to clash with the Directions of the Council ; and, if enforced, must in all Probability obstruct, if not entirely defeat, the Ends proposed to be obtained by the Plan in question. It becomes necessary therefore to take a View of the Proceedings of the Committee on this Subject, in their Select Department. The Select Committee having communicated Copies of their Proceedings to Messrs. Becher and Alexander, observe, in their Letter to the Court of Directors, *that they cannot avoid remarking, with peculiar Satisfaction, that their Sentiments are confirmed by their absent Members ;* but it evidently appears, that this is rather a partial Representation of the Case ; for as the Proceedings § of the Select Committee, to the 28th June only, were transmitted to their absent Members, together with Extracts of the Company's Letters, those absent Members could only judge from Appearances, as represented by one Side of the Question, to that Period ; and their Answers only prove, \*\* that they concur in Opinion with the President and Select Committee, *so far as the Lights then before them enabled them to judge of the Matter in dispute, without knowing what Arguments had been, or might be urged by the Council, in Support of the other Side of the Question.*

Select Letters  
from, 31st August  
1770, Par. 18.

The Council further represent to the Court of Directors, *that the Select Committee have not scrupled to frustrate the Intentions of the Council, in the Appointment of Supervisors, by annulling the Powers which were vested in those Supervisors by the Council ; which they say has been done, without receiving any new Lights on the Subject.*

Select Letter  
from, 8th Sept.  
1770, Par. 28.

Upon examining this Assertion, it appears, by Mr. Becher's Letter, that the extraordinary Drought had occasioned the Loss of more than One Third of the Inhabitants by Famine. That in some Places the Living were reduced to the Necessity of feeding upon the Dead. That the Balance due from the Zemindars and Farmers amounts to near 18 Lacks of Rupees. That his Attention is engaged in considering a Plan for the present Year's Collections. That no Man has more at Heart the supervising Plan than himself ; but that Innovations, in the Mode of conducting the Revenues, should be gradual, and tried in a few Districts, before it became general. That it would be imprudent to risk a large Deduction from the present Year's Revenues, by a total Change in the Mode of Collections. That the Uncertainty in the Crops, and of Course of the Collections for the present Year, and the absolute Necessity of immediate Supplies, occasion him to consider the latter as the great Object of his Care.

Select Conf.  
9th June 1770.  
Page 346.

347.

348.

That the Zemindars, Aumils, and Farmers, are unwilling to enter into Engagements for the Re-

\* Select Committee, Conf. Folio 338.

† Secret Conf. 22d August, Page 82.

‡ Select Committee's Proceedings of 9 and 21 June, were not read in Council till 24 July.

§ Select Conf. 28th June 1770. Folios 429, 446, and 448.

\*\* Vide Mr. Becher's Answer, Select Conf. 19th July 1770, page 466 ; and Mr. Alexander's, page 467.



Select Conf.  
9th June 1770.

venues of the approaching Season, unless they may be supported, and permitted to make their Collections, *without Interruption from the Supervisors*. That they declare the Reason why their Balances are so large, is, because of the Uncertainty of Measures to be pursued. That, the Shroffs will not advance Money to the Cultivator; and therefore he requests to know the Select Committee's Opinion, *whether this be a proper Time for the Company to submit to so heavy a Loss, as must be incurred by a Stoppage of Public Credit.*

Page 3. O.

That with respect to the general Plan of Supervisors, there appear but Two Ways of proceeding in it. The First is, to throw the Collections into the Supervisor's Hands: The Second is, not to suffer them to interfere, otherwise than in Support of the old Collectors, for the present Year. And upon the maturest Deliberation, he is of Opinion, that the latter Scheme should be adopted for the present Year; but he submits the Matter to the Committee; and declares he will punctually obey whatever Orders he may receive from them. That after a plentiful Season, and upon the Prospect of another, Experiments may be tried without much Danger.

351.

That although he had, in March last, recommended that English Gentlemen should settle the Bundabust in the several Districts, he did not then foresee the Drought which has since happened; nor was he aware of the Alarm it would occasion to the Zemindars, who apprehended their Authority was to be curbed by the Supervisors. He therefore repeats his Wish, that they may not have the Management of the Revenues till next Year; and that in the mean Time they may be fully employed in encouraging Trade and Cultivation, and in obtaining a better Knowledge of the Country, and its Capability of Improvement; all which must be of great Use, when we come to step forth as Principals in the Government of Bengal, which he presumes will be soon; but that, until we do this, the Authority of the Country Government should have its full Influence, which is prevented, by the controlling Powers vested in the Supervisors.

352.

That although Art and Intrigue may possibly be at the Bottom of the Zemindars Complaints, nevertheless he is of Opinion, that *young Gentlemen, with little Experience, will not be able to counteract the Obstructions* occasioned by the Natives; and that it would be imprudent to risk the present Loss it might occasion to the Company.

354.

That although he disapproves the putting the Collections in general into the Hands of the Supervisors, he wishes the Experiment may be tried *in one or two Districts*; where, nevertheless, the Supervisor should be instructed *to pay proper Regard to the Orders of Mahomed Reza Cawn*, whose Authority should be supported whilst he is continued in his present Station. That he is happy in having been the Instrument of *preventing the Supervisors from proceeding to their Districts in October last*; because Experience has fully convinced him, that in case they had so proceeded, the Revenues would have fallen much further in Arrears. Mr. Becher also transmits a Representation of Mahomed Reza Cawn, who says, that Persons decline giving Security for the Collections, because the Power is divided. That the Tenants will insinuate to the English Gentlemen, that they suffer Oppressions, in order to avoid paying what is justly due to the Landlord; by which Means the Circar will be defrauded.

355.

356.

358.

But notwithstanding these Representations, the Select Committee agree to inform the Resident at the Durbar, that as the supervising Plan was adopted with the utmost Circumspection, and upon the maturest Deliberation, they cannot think of receding therefrom, more especially as they consider the Conduct of the Zemindars, Aumils, and Shroffs, as the last Struggle of desperate Men, who have too long feasted on the Spoils of the Poor: That there is not a single Difficulty started by the Zemindars and Aumils, but what arises from Views of the grossest Self-interest.

362.

The Select Committee having fully answered all the Objections of Mr. Becher, and of Mahomed Reza Cawn, and shewed plainly, that were they to annul the controlling Power of the Supervisors, they would then only serve to increase the Company's Expences, and answer no good Purpose at all; they therefore strenuously urge the Resident at the Durbar to exert himself; and hope, that with the Assistance of Mahomed Reza Cawn he will not fail to succeed in his Endeavours.—Hereupon,

Select Conf.  
21st June 1770.  
Page 406.

The Resident at the Durbar renews the Subject, and continues to expatiate very largely upon the Inconveniences occasioned by the Supervising Plan; and declares positively, that, *on the footing which the Supervisors are directed to remain, the Business of the Collectors cannot proceed*: That the Select Committee's late Answer to his Letter had put an effectual Stop to his settling a Bundabust at the City; that Business was therefore at a Stand, the Season advancing, and the Revenues in a very precarious State: That all his Endeavours are ineffectual, to persuade the Zemindars, Aumils, and Farmers, that the Supervisors shall not impede the Collections, but that, on the contrary, they shall yield them all possible Assistance: That although the Committee apprehend the Zemindars Objections arise from the grossest Self interest, he differs in Opinion, and believes they have the Appearance of Reason on their Side: That the Stoppage of Public Credit still continues, and is likely to do so: That the Treasury is at a very low Ebb indeed, and the Demands upon it enormous, and the Prospects of Satisfaction very distant. He therefore hopes, that what he has before recommended may be adopted, which, he adds, will give a fair Trial to the Supervising Plan, without any very great Risk to the Revenues; and that securing them for the present Year is an Object of greater Importance to the Company than any Advantages which can accrue from all the Supervisors being invested with their controlling Powers One Year sooner. He therefore proposeth, that Five of the principal Supervisors should first exercise their Abilities, and evince thereby the Propriety of the Plan in Question: That although he allows that the others are promising young Men, he cannot think it proper that they should be invested immediately with controlling Powers, but that the Zemindars,

408.

mindars, Aumils, and Farmers, should receive the most positive Assurances, that the said Supervisors should not interfere during the present Year's Collections; and he adds further, that he cannot help recommending a Farming System, in general, above all others.

Select Conf.  
21 June 1770:  
Page 412.

That he apprehends Rigour with the Zemindars, in order to compel them to embrace our Supervising System, can answer no good Purpose whatever; but that, in a more plentiful Season, they will not be able to throw so many Obstacles in the Way of the intended Plan.

413.

That in proceeding by Degrees all Things may be accomplished to our Wishes; but that, by attempting the Whole at once, a present Loss may be sustained, which our Affairs will not permit, and which may probably prejudice the whole Plan: That it rests with the Committee to put the great Machine in Motion; for, on the present Plan, it will not go: That they must either recede in Part from what they have already done, or proceed further.

That his Opinion stands on Record, and it only now remains for him to obey Orders; which, he assures the Committee, shall be punctually observed to the best of his Judgment.

414.

The above being duly considered by the Committee, they Resolve,

That the Resident's Arguments and Objections are of so serious a Nature, and have so much Weight, that they are induced to acquiesce in his Opinion, and to make Trial of a controlling Power in supervising a few Districts only at first; whereby the Danger, arising from the Introduction of the new System generally and suddenly, may be avoided. They also

Agree, that previous to the Dispatch of their Letter to the Resident at the Durbar, their Resolutions be laid before the Council, *for their Information*.

391.

But, at a future Consultation, the Select Committee depart from this Resolution; and are of Opinion, that although their Intention *was to have laid their Resolutions before the Council*, before they issue them in Orders to the Resident at the Durbar, yet they now consider, that were they to do this, whilst the present Altercations subsist between the Two Boards, it might produce improper Delay. And as Mr. Becher represents, that speedy Instructions are absolutely necessary, in order to prevent great Detriment to the Collections, they therefore resolve, that the Orders of the Select Committee be issued to Mr. Becher, without further Loss of Time; which was done accordingly.

Select Conf.  
28th June 1770:  
Page 430.

446.

The Council observe on this Occasion, that the Court of Directors will learn, from the Instructions given by the Board to the Council of Revenue, what would have been the Sentiments of the Board, had they been consulted \* upon the Propriety of revoking the former Orders and Authority given to the Supervisor by the Council †.

The Council having carried the Point in question, and appointed Councils of Controul at Muxadabad and Patna, according to the Commands of the Court of Directors; the Select Committee declare it their unanimous Opinion, that the Proceedings of the Council should be opposed with all the Authority of the Select Committee; and resolve to abide by and uphold their first Resolutions; and to insist upon the same implicit Obedience from the Council, when assembled, which they now expect from the Resident at the Durbar, and the Supervisor of the Bahar Province. And

Accordingly the Select Committee inform Messrs. Becher and Alexander, That although the Council, in their Secret Department, have proceeded to establish the said Councils of Revenue at Moorshedabad and at Patna; yet it has *in no Respect shaken the first Determination of the Select Committee, who will continue to maintain their Authority, so far as their Abilities extend, without Regard to any Acts or Proceedings of the Council in Prejudice thereof; and that they shall direct the Council, when assembled, to pay implicit Obedience to the Orders of the Select Committee*.

Select Conf.  
19th July 1770:  
Pages 468 and 469.

Mr. Becher answers the Select Committee, That as he hath ever with Cheerfulness obeyed their Commands, so he assures them he shall always continue firm and uniform in his Obedience, unless controuled by the Authority of a Superior's Power.—But it does not appear that Mr. Alexander has returned any Reply whatever to the above Letter and Requisition of the Select Committee.

Select Conf.  
9th August 1770:  
Page 493.

‡ Several Members of the Council have observed, that it was the *known Sense of the Select Committee*, that the Company's Orders per Lapwing *should not be carried into Execution*; and the Charge seems but too fully proved by the Select Committee's own Declaration. Their Words were these; that the Majority of Voices had instituted Councils of Revenue, *in direct Violation of the legal Powers, and contrary to the Intention of the Select Committee*.

Select Conf.  
19th July 1770:  
Page 463.

This Point being fully and fairly ascertained, throws a great Light upon the Controversy. The Council, so far as appears by the Records transmitted per Lapwing, have only contended for a Power, or Permission, to execute the Company's positive Orders, in a Case where no Latitude whatever had been left them to depart therefrom. The Select Committee have ventured to oppose the Proceedings of the Council; and thereby to frustrate, so far as in them lay, the Intention of the Company.

The Select Committee have rested almost the Whole of their Plea upon the Commissioners being appointed to carry the Measure into Execution. But this Objection the Council have largely replied to, and fully refuted. In the Company's Instructions to the Commissioners, the Measure is only stated

\* It appears, by Select Letters per Prince of Wales, that the Council have again restored to the Supervisors the Powers which were originally delegated to them.

† Vide Secret Letter from, 8th Sept. 1770. Par. 28.

‡ Note upon Par. 7, in Secret Letter from, the 8th of September 1770.

Sel. Conf.  
19th July 1770.  
page 463.

to them as a desirable Object; the Plan itself, and full Directions for carrying it into Execution, were transmitted to the Governor and Council alone. It must therefore seem a forced Conclusion to infer, that the Court of Directors intended that the Execution of their Orders per Lapwing, respecting Councils of Controul, should be delayed until the Arrival of the said Commissioners in Bengal; which Event, from the Nature of Things, and the Probability of their being long detained upon the Coast in order to finish the War, and regulate the Affairs of that Presidency, could not be expected speedily to have taken place.

Secret Letter,  
8th of Sept.  
1770, Para. 19,  
20, 21, 23, 28.

The Contest has been carried so far, and urged with so much Warmth, that the Minds of both Parties seem in no small Degree embittered. The Council appear determined to exert their Right to issue Orders to the Councils of Controul; and the Select Committee continue to insist upon an implicit Regard being paid to their Orders. The Council and Committee have differed essentially in many of their Opinions, respecting the Plan and Institution itself, and the Powers with which English Supervisors should in general be invested; and have already more than once clashed and counteracted each other. A Spirit of Recrimination seems to have taken place. The Select Committee complain of Want of Decency and Candour in the Council; but the Members of Council seem to have conducted themselves more candidly than their Opponents, through the Whole of this extraordinary Transaction; and they have in their Favour this Argument; namely, *the Struggle on their Part*, has been only for Liberty to obey their Masters positive Orders; whilst the Select Committee have no such Reason to urge in Favour of their Conduct, in opposing the Execution of the said Orders.

#### PAPERS relating to the Dismission of Messrs. Cartier, Becher, &c.

##### Extract of the Company's General Letter to Bengal, dated the 10th April 1771.

Par. 154. As the present advanced Season will not admit of such a Detention of our Ships destined for Coast and Bay as would be requisite for our entering into a minute and deliberate Disquisition of the important Points of your late Advices, we shall take the same into Consideration after the Departure of the Ships now under Dispatch, and shall transmit to you, by some early Conveyance, such Observations and Orders as may appear to us requisite to guide your Conduct in the important Affairs under your Administration.

155. We however must here observe, that notwithstanding the critical Circumstances of your Presidency must have rendered the Exertion of your utmost Abilities, and the firmest Union in your Councils, absolutely necessary; and although the greatest Circumspection became your Duty, in order to preserve that Dignity to your Government, which alone could procure you a proper Degree of Consequence; both in the Eyes of Friends and Enemies; yet we are concerned to find that Disputes between our Council and Select Committee have occasioned an extraordinary Waste of Time, and answered no salutary Purpose whatever. As we shall be more explicit upon this Subject by another Conveyance, we do in the mean Time positively direct, that all Measures which we have heretofore recommended to the Consideration of our Governor and Council, be, with all convenient Dispatch, decided upon according to the Opinion of the Majority of the Council; and that all Orders conveyed through that Channel be enforced immediately, and carried into effectual Execution; and particularly that the Appointment of Councils at Muxadabad and Patna, for the better Management of the Collections, as settled by our President and Council in their Secret Department, do immediately take place.

156. And in order to prevent Delay of Business, or Inconvenience to our Affairs, by any Misapprehension or undue Application of the Powers which it is our Pleasure should be vested in our President and Council, or Select Committee, respectively, we have thought proper, and do hereby direct, that our Select Committee do regard those Objects only as peculiar to their Department, which are particularly specified in our Letter, dated 23d March 1770, Paragraph 180, to which you are hereby referred. And our further Pleasure is, that all other Business be conducted by our President and Council, in their Public or Secret Department, as the Case may require, until a Deviation from these our Orders and Instructions may be warranted by our express Authority, and not otherwise.

162. Considering the Importance of the Government of Bengal, and being well persuaded of the Abilities of Warren Hastings, Esquire, for the due Discharge of the Office of Governor, we do hereby appoint him Second of Council at Fort William, and to succeed Mr. Cartier as President and Governor of Bengal; and we have accordingly directed Mr. Hastings to proceed to Fort William as expeditiously as possible, to take his Seat in Council at your Presidency.

##### Extract of the Company's General Letter to Bengal, dated the 23d March 1770.

Par. 179. Having taken into our most serious Consideration the Magnitude and Importance of the Management of our Affairs depending on your Civil Establishment; and that the Administration thereof may be conducted to the greatest Advantage of the Company, and the Prosperity of all under their Protection, we have fully instructed the Commissioners to carry the following Resolutions into Execution. That with the Governor, and exclusive of the Military Commanders, the Council of Bengal

## A P P E N D I X, N<sup>o</sup> 1A

Bengal shall consist of Nine Members, and no more. That none of the Council be permitted to act as Chiefs of any of the subordinate Factories, but shall all constantly reside at Calcutta; the Resident at the Durbar, if that Office shall be filled by a Counsellor, and the Military Commander, excepted. That no Member of the Council shall have any Employ annexed to that Station, but that all Offices be exercised by the Senior Servants, not Members of the Board. And that the said Council be formed into proper Committees, that the Control, Superintendency, and Direction of the Company's Affairs at the Presidency and Subordinates may be faithfully and impartially transacted, to their greatest Benefit and Advantage; you must therefore comply with such Instructions and Directions as they shall think proper to give relating thereto, until you shall receive our Orders thereon.

180. Besides the foregoing Regulations, it is our Pleasure that our Governor of Bengal, Commander in Chief for the Time being, and Three Senior Members of our Council, be a Select Committee, with Power to make Regulations respecting Peace and War, and negotiate with the Country Powers; but not finally to conclude any Treaty, until the Terms and Conditions of such Treaty shall have been first approved by our Governor and Council. The Governor singly shall correspond with the Country Powers; but all Letters, before they shall be by him sent, must be communicated to the other Members of the Select Committee, and receive their Approbation; and also all Letters whatever which may be received by the Governor, in Answer to, or in the Course of his Correspondence, shall likewise be laid before the said Select Committee for their Information and Consideration; and all their Proceedings and Correspondence must be regularly entered on their Consultations, and sent Home in Duplicate.

At a Committee of Correspondence, the 19th April 1771.

The Committee having at several Meetings taken into very mature Consideration the Advices lately received from Bengal, by the Lapwing, whereby it appears, that the Company's Orders to the Governor and Council, respecting the establishing of Councils at Muxadabad, and at Patna, for the Purposes of regulating the Collections of the Revenues, are not carried into Execution.

And it also appearing, that Six Months had elapsed since the Governor and Council had been in Possession of the said Orders: The Council did not think it consistent with their Duty, or for the Interest of the Company, that the Company's Orders, sent express to the Governor and Council per Lapwing, should be longer delayed, they therefore resolved, that the same should be taken into Consideration. Upon which it appears that a Difference of Opinion arose between the Council and Select Committee, the latter being of Opinion, that the Company's Orders per Lapwing could only be carried into Execution by the Commissioners, although expressly directed to the Governor and Council; which Opinion appears the more extraordinary, because the Governor and Council, including the said Select Committee, had, by their Letter dated the 31st January 1770, left no Room to doubt, but that they then unanimously understood the Company's Orders, transmitted per Lapwing, as particularly addressed to the Governor and Council, and also expressed their Satisfaction, that they had in a great Degree anticipated the said Orders of the Court of Directors, upon that important Subject.

And it further appears, that the Difference of Opinion between the Council and Committee has operated so far as to produce a very dangerous Difusion in the Council at Bengal; and this at a Time when Harmony seems especially necessary among the Company's Servants, as well to forward and accomplish the Views of the Company, respecting a Reformation in the Province, as to frustrate those of European or Country Powers, should they at any Time entertain hostile Intentions towards the Possessions of the Company on that Side of India.

And having fully considered the bad Effects which have already been the Consequence of this unhappy and dangerous State of the Council of Bengal, and the Evil Tendency it may have to weaken Administration, and render it inadequate to the great Objects of Reform and Regulation, which are now before the Governor and Council; the Committee are of Opinion, that the Opposition of the Select Committee of Bengal, has prevented the Council from effectually executing the Company's Orders transmitted per Lapwing.

That the Difference between the Council and Select Committee, is of such a Nature, and has been carried to so great a Length, that a cordial Union is by no Means likely again to take place between the Council and Select Committee of Bengal.

That for the above Reasons, and to prevent greater Inconveniences to the Company's Affairs, it is the Opinion of this Committee, that Mr. Becher no longer remain as a Member of our Council in Bengal; and that Mr. Claud Russell and Mr. Charles Floyer be removed from Bengal to Fort Saint George, and that they take their Ranks in the Stations they would now have held in the Company's Service respectively, in case they had remained until this Time without Interruption on the Fort Saint George Establishment.

At a Court of Directors, held on Tuesday the 23d April 1771.

The Committee of Correspondence, in their Minutes of the 19th Instant, offering it as their Opinion, that Mr. Claud Russell and Mr. Charles Floyer, Members of the Council at Bengal, be removed



## A P P E N D I X, N<sup>o</sup> 12.

moved to Fort Saint George, and that they take their Rank in the Stations they would have held in the Company's Service respectively, in case they had remained until this Time without Interruption upon the Fort Saint George Establishment.

And the Court entering into the Consideration thereof,

A Letter from the Select Committee at Bengal to Messrs. Becher and Alexander, enclosed on their Consultations of the 19th July 1770, was read.

And a Debate of considerable Length ensuing thereupon, it was, on a Motion, and the Question being put,

Resolved, That the further Consideration thereof be postponed till To-morrow.

At a Court of Directors, held on Wednesday the 24th April 1771;

The Court resuming the Consideration of the Minutes of the Committee of Correspondence read Yesterday, respecting the Removal of Messrs. Russell and Floyer from Bengal to Fort Saint George, and Recourse being had to the Advice received from Bengal by the Lapwing, it was, after very mature Deliberation, and on the Questions being severally put by the Ballot,

Resolved, That Mr. Claud Russell and Mr. Charles Floyer be removed from Bengal to Fort Saint George, and that they take their Rank in the Stations they would have held in the Company's Service respectively, in case they had remained until this Time without Interruption upon the Fort Saint George Establishment. That Mr. Becher be left out of the Council.

Extract of the Company's General Letter to Bengal, dated the 25th April 1771.

Par. 1. Since closing our Letter of the 10th Instant, we have more fully considered the Conduct of our Governor and Council and Select Committee at Bengal; and we entirely disapprove the Opposition given by our Select Committee to a Measure which was positively ordered by the Court of Directors; and for the speedy Accomplishment whereof the Lapwing Packet was dispatched Express to your Presidency.

2. And as so alarming a Disunion amongst our Servants may be attended with Consequences of a very serious Nature, we cannot omit the present Opportunity of testifying our Displeasure against those Persons who have opposed the Execution of our Orders.

3. It is therefore our Pleasure, and we do hereby direct, that Mr. Becher be dismissed from our Council at Bengal; and that Mr. Claud Russell and Mr. Charles Floyer be immediately removed from our Service in Bengal, and that they do return to Madras with all convenient Dispatch; where they are to take Rank in those Stations which they would now have held in the Company's Service respectively, in case they had remained until this Time without Interruption on the Fort Saint George Establishment.

4. By the foregoing Removal of Mr. Becher from the Council, and of Messrs. Russell and Floyer to their respective Stations upon the Fort Saint George Establishment, and the Appointment of Mr. Hastings (by our Letter of the 10th Instant) to succeed Mr. Cartier at your Presidency; and having likewise re-admitted Messrs. Rumbold and Dacres into our Service, it becomes necessary to make a new Arrangement of our Council. We therefore direct, that, upon the Receipt hereof, it be composed of the following Gentlemen, notwithstanding our Orders of the 23d March 1770, for limiting the Number of Council to Nine Members, exclusive of the Commander in Chief:

John Cartier, Esquire	—	—	President and Governor.
Warren Hastings, Esquire	—	—	Second, and to succeed to the Government in case of the Death or coming away of Mr. Cartier.
Brigadier General Sir Robert Barker,			Third (or the Commander in Chief for the Time being) but not to rise higher.
Mr. James Alexander	—	—	Fourth.
Thomas Rumbold	—	—	Fifth.
Samuel Middleton	—	—	Sixth.
William Alderfey	—	—	Seventh.
Thomas Kelfall	—	—	Eighth.
John Reed	—	—	Ninth.
Francis Hare	—	—	Tenth.
Joseph Jekyll	—	—	Eleventh.
Philip Milner Dacres	—	—	Twelfth.
Thomas Lane	—	—	Thirteenth.
Richard Barwell	—	—	Fourteenth, and last of Council.

5. And we do hereby further appoint, that our Governor of Bengal, the Commander in Chief for the Time being, and the Three Senior Members of our above-mentioned Council, be a Select Committee, with the like Powers, and under the same Regulations as are established by the 180th Paragraph of our General Letter, dated the 23d March 1770.

10. We are truly sorry, after having entertained the highest Opinion of the Abilities and good Conduct

## A P P E N D I X, N<sup>o</sup> 12.—N<sup>o</sup> 13. (C)

Conduct of our President, Mr. Cartier, that he should in any Shape incur our Displeasure; but we cannot pass over his late Conduct in joining a Resolution to retard the Execution of our Orders; which they had been vigorously enforced would, we cannot doubt, have tended much to the Public Welfare, and reflected Honour on every Individual who might have had the Execution of them. We therefore direct that Mr. Cartier do continue in the Government of our Presidency of Fort William till the Departure of the last Ship of the Season for Europe after the Arrival of Mr. Hastings in Bengal; on or before which Time it is our Pleasure that Mr. Cartier do resign that Government to Mr. Hastings.

Copy of a Letter from the Secretary of the East India Company to the President and Council at Fort William in Bengal, of 8th May 1771.

Gentlemen,

The Packets by the Ship Lord Holland having been finally closed previous to the Meeting of the Court of Directors this Day, I am thereupon charged with their Special Commands to acquaint you that they direct, notwithstanding the Orders in the General Letter to you dated the 25th of April last, for President Cartier's Resignation of the Government of Bengal to Mr. Hastings, on the Departure of the last Ship of the Season after the Arrival of the latter there, that it is not their Intentions Mr. Cartier should thereupon be obliged to leave India; and therefore if he chuses to continue some Time longer there to settle his private Affairs, the Court of Directors grant him Permission so to do. I am also to signify their further Orders, that during his Continuance in Bengal, Mr. Cartier is to be treated with the Respect due to that distinguished Station he has held in the Company's Service,

I am,

Gentlemen,

East India House,  
London, the 8th May 1771.

Your most obedient  
humble Servant,

P. Michell, Secretary.

The Honourable the President and Council  
at Fort William in Bengal.

Extract of the Company's General Letter to Bengal, dated the 12th June 1771.

Par. 7. After our Advices dated the 3d May were closed, we directed our Secretary to acquaint you, in a Letter of the 8th, that notwithstanding the Orders in our General Letter of the 25th April last, for President Cartier's Resignation of the Government of Bengal to Mr. Hastings, on the Departure of the last Ship of the Season after Mr. Hastings's Arrival at your Presidency; it was not our Intention Mr. Cartier should thereupon be obliged to leave India; and therefore if he chose to continue some Time longer there to settle his private Affairs, he had our Permission so to do; and during his Continuance in Bengal he was to be treated with the Respect due to the distinguished Station he had held in our Service. This Indulgence we hereby confirm, and expect the same has in all Respects been observed by you.

## A P P E N D I X, N<sup>o</sup> 13.

PAPERS respecting the new modelling the Company's Army in Bengal.

(C)

Extract of the Company's General Letter to Bengal, dated the 23d of March 1770.

Par. 110. In a Letter from your Select Committee of 21st December 1767, to Brigadier General Smith, you write that, "As the Number of Sepoys attached to each Brigade requires more than One Field Officer to command them, we are of Opinion that another may be added to each Brigade of Sepoys. We have taken the Matter into Consideration; but before we come to a final Resolution we shall be glad to have your Sentiments on this Occasion."—And in Answer thereto, under the 12th January, the General writes, "As to a Second Major of Sepoys, when

SEL. COM. REP. V.



## A P P E N D I X, N<sup>o</sup> 13. (C) (L)

" when the Necessity of the Times obliged Lord Clive to promote so many extraordinary Majors as  
 " afforded an Appointment of Two to each Brigade of Sepoys, the Second Major was little more  
 " than a Cypher:" Yet in direct Opposition to this Opinion you resolved to appoint them, and did  
 accordingly appoint Two Lieutenant Colonels, without giving the least Reason for it. And though  
 we made a new Regulation of your Military here, which arrayed in August 1768, yet this very ex-  
 traordinary Letter was sent to General Smith in November following: " Notwithstanding the Court  
 " of Directors have been pleased to make an additional Number of Field Officers in Proportion to  
 " the Strength of their Regiments, we are of Opinion that the Appointment of a Lieutenant Co-  
 " lonel and Major to the Sepoys of each Brigade is as necessary as ever." And in your Letters to  
 the Company, not the least Notice is taken of these Appointments. With these Orders before you,  
 we are surprized to find how you could presume to act in direct Contradiction to them, and therefore  
 highly disapprove of your Conduct in taking upon you to increase our Military Establishment, which  
 we will not admit of in future, except upon very urgent Occasions, and then assign Reasons, and  
 point out the Necessity of the Measure in the clearest and most satisfactory Manner, for our Confir-  
 mation. As the Right of appointing Officers on an increased Establishment can only rest in us, the  
 utmost therefore that you should have done was to have represented the Necessity of such Appoint-  
 ments, and waited our Orders. But as it would be hard upon the Officers you appointed; who have  
 behaved well in our Service, and as you could not be acquainted with our having appointed Field  
 Officers here, we have determined to continue them; but on any future Vacancies they are not to be  
 filled up, our Intention being that you should revert to the former Establishment of One Major to  
 each Brigade: And we hereby declare, that if you shall hereafter presume to alter the Military Estab-  
 lishment laid down from the Court of Directors, by the Appointment of any additional and extra-  
 ordinary Officers to such Establishment, as has been done in this Instance, it is our fixed Resolution  
 to dismiss those Persons from our Service, be they whom they may, who shall take upon themselves  
 to concur in such notorious Disobedience of our Orders,

Extract of the Company's General Letter to Bengal, dated the 10th of April 1771.

Par. 109. We have very maturely considered your Proceedings upon the Restoration of Captains  
 Goddard and Ahmuty, to the Ranks they held before the Association of the Officers in 1766; and it  
 appears to us, not only an improper Measure, but very injurious to those Officers who had a just  
 Sense of their Duty, and did not join in the Association; and also to those who were sent from Fort  
 Saint George and Bombay, to your Assistance at that critical Time, under the Assurance that they should  
 not be superceded. But as it appears contrary to all Military Orders, that an Officer once raised to a  
 superior, should serve in an inferior Rank, without a Breach of Honour, and having a favourable  
 Opinion of the Merits of Captains Goddard and Ahmuty, we do agree to their continuing in the  
 Ranks you placed them on the 16th December 1769; but we direct that they receive the Pay and  
 Allowances of Captains only, until the Field Officers serving under your Presidency shall be reduced  
 to the Establishment of Six Lieutenant Colonels, and Nine Majors of Infantry and Sepoys, when  
 they are to enjoy full Pay and Emoluments, the former as Lieutenant Colonel, and the latter as  
 Major; yet we are greatly displeased at the Liberty you took in promoting those Gentlemen when  
 your Military Establishment was complete, from whence the Company has been put to great Ex-  
 pence.

( L )

Copy Letter from Brigadier General Stibbert to the Honourable Warren Hastings, Esquire, Governor  
 General, &c. Members of the Supreme Council,

Gentlemen,

I now, according to my Promise, contained in my Letter of the 29th, proceed to give my Senti-  
 ments respecting the Mode most eligible for replacing the native Troops ordered on Detachment to-  
 wards Madras, under the Command of Lieutenant Colonel Pearse.

In regard to the Expedient which has occurred to the Board of augmenting the remaining Batta-  
 lions by an equal Number of Levies to be distributed amongst them; I must observe, that their  
 present Strength rendering them rather too unwieldy a Body to manœuvre and move together with  
 that Celerity and Compactness which is requisite in the Field, any Increase of their Numbers, while  
 their present Constitution is adhered to, must necessarily add to this Inconvenience in all Respects, to  
 the great Detriment of the Service.

This Mode being allowed to be ineligible, the next Alternative appears to be that of raising new  
 Battalions; but as such a Measure would be attended with a very heavy Expence upon the present  
 Establishment, and as the Board express their Desire, that the intended Augmentation of Force should  
 be rendered as little burthenous as possible, I beg Leave to offer the following Plan to their Con-  
 sideration:

## A P P E N D I X, N<sup>o</sup> 3. (L)

That the present Strength of Twenty-four Battalions of the Establishment be augmented from Eight hundred to One thousand Rank and File, by Levies of Two hundred Privates to each Battalion, twenty Men to each Company:

That the body, forming One Regiment, be divided into Two Battalions of Five Companies each; a Hundred Rank and File composing a Company:

That this Regiment be commanded by a Captain Commandant and Captain Lieutenant, with Ten Subaltern Officers, One to each Company, as at present:

That One Janitor be added to each Company, and the Whole of the Establishment for a Regiment be agreeable to the annexed Scheme.

Permit me now briefly to enumerate the principal Advantages that will arise from the proposed Measure.

In the First Place, it will appear, by the accompanying Comparative View of the present Establishment of a Battalion, and the proposed one for a Regiment, that the Monthly Expence of the latter exceeds the former only Rupees 2,391. 15. 8.

Secondly, That the extraordinary Expence of Twenty-four Regiments, will amount to Rupees 57,407. 8. which compared with the Expence of Six new Battalions, raised and maintained on the present Establishment, proves a Saving of Rupees 30,021 per Menssem, or Rupees 3,60,252 Annually, while the Company will have the same Force on Foot as if the Army was to be augmented by such a Number of Battalions.

Thirdly, Besides this Saving, a Regiment of One thousand Men, divided into Two Battalions, upon the Plan offered, will, I conceive, be considerably better adapted to all the Purposes of Discipline than the present Battalions, as well as infinitely better suited to every Kind of Service whatever.

Fourthly, I am of Opinion, that although the actual Encrease of the Army will be only Four thousand Eight hundred Men, yet the Augmentation of the Number of Battalions on the Establishment may produce us Credit among the Natives for a far more considerable Force.

\* The Board will observe, that in order to fix the Expence of the Regiments as low as possible, I have allowed no European Adjutants to them, as Subaltern Officers can do that Duty in Tour as formerly; and I think it will be of an Advantage to the Service, for several Reasons, that they should do so.

After all, I must acknowledge that this Plan is still improvable, and would be much more complete, were a Regiment to be commanded by a Major, and each Battalion by a Captain; but as this would create an extra Expence to the Company, which might be considered too heavy, I have been deterred from proposing it.

I judge this a proper Occasion for observing to the Board, that I have long been of Opinion, that the native Commandants are a useless Rank, and in some Cases might, through the undue Influence they are generally apt to obtain in their Corps, prove a dangerous Set of Men; I therefore think it would not be amiss if they are suffered to fall off by making no new Appointments of them; this would in Time prove no inconsiderable Saving.

I have the Honour to subscribe myself, with the most perfect Respect,

Gentlemen,

Fort William,  
the 31<sup>st</sup> October 1780.

Your most obedient  
humble Servant,  
(Signed)

G. Stibbert.

A true Copy.  
(Signed)

E. Hay,  
Act<sup>g</sup> Sec<sup>y</sup>.

M E M O R A N D U M.

# A P P E N D I X N° 13. (L)

## M E M O R A N D U M

Reduction on the present Establishment.			Encrease of Expence for a Regiment.		
1 European Adjutant	—	62 — —	1 Captain Lieutenant	—	223 — —
10 Pioneers	—	220 — —	2 Serjeants	—	60 — —
1 Hackrie	—	30 — —	10 Jamsutdars	—	360 — —
Subsistence for Recruits	—	60 — —	1 Havildar	—	20 — —
			200 Sepoys	—	1,800 — —
			1 Serjeant Major	—	20 — —
			1 Drill Serjeant	—	14 — —
			1 Native Adjutant	—	46 — —
			1 Havildar Major	—	3 10 8
			1 Doctor	—	20 — —
			10 Watermen	—	90 — —
			10 Bildars	—	50 — —
			1 Mate Smith	—	8 8 —
			1 Fire Man	—	7 — —
			1 Chuckler	—	6 4 —
			1 Hand Blackie	—	10 8 —
			1 Sweep	—	5 1 —
			Iron and Steel, &c.	—	20 — —
					2,763 — —
		372 — —			372 — —
			Total Encrease — S <sup>r</sup> R <sup>r</sup>		2,391 15 8

Monthly Expence of Six Battalions of Sepoys on the present Establishment	—	87,428 14 —	Monthly Expence of One Regiment on the proposed Establishment	—	16,963 7 4
Monthly additional Expence on forming 24 Regiments on the proposed Establishment	—	57,407 8 —	Monthly Expence of One Battalion on the present Establishment	—	14,571 7 8
Saving, per Month, in raising 4,800 Men, and forming 24 Regiments, instead of Six Battalions, on the present Establishment	—	30,021 6 —	Monthly Encrease of Expence upon One Regiment	—	2,391 15 8

COMPARATIVE

COMPARATIVE VIEW of the Expence of One Battalion of Sepoys on the present Establishment, and a Regiment of Two Battalions on the Establishment proposed by Brigadier General Stibbert.

Battalion on the present Establishment.						Regiment on the proposed Establishment.					
	Pay and Grat.	Full Batta.	Add. Allow <sup>ce</sup> .	Off-Reck <sup>ts</sup> .	Total.		Pay and Gratuity.	Full Batta.	Add. All <sup>ow</sup> ce.	Off-Reck <sup>ts</sup> .	Total.
1 Captain — — — — —	160 — —	186 — —	— —	— —	346 — —	1 Captain — — — — —	160 — —	186 — —	— —	— —	346 — —
5 Lieutenants — — — — —	430 — —	620 — —	155 — —	— —	1,205 — —	1 Captain Lieutenant, on Lieutenant's Pay and Allowance, and Captain's Batta — — — — —	86 — —	186 — —	31 — —	— —	303 — —
5 Ensigns — — — — —	311 14 —	465 — —	155 — —	— —	931 14 —	5 Lieutenants — — — — —	430 — —	620 — —	155 — —	— —	1,205 — —
3 Sergeants — — — — —	48 — —	30 — —	— —	12 — —	90 — —	5 Ensigns — — — — —	311 14 —	465 — —	155 — —	— —	931 14 —
20 Drums and Fifes — — — — —	220 — —	200 — —	— —	60 — —	480 — —	5 Sergeants — — — — —	80 — —	50 — —	— —	20 — —	150 — —
Total to Europeans — — — — —	1,169 14 —	1,501 — —	310 — —	72 — —	3,052 14 —	20 Drums and Fifes — — — — —	220 — —	200 — —	— —	60 — —	480 — —
Natives.						Natives.					
11 Subadars (One of whom is Commandant) — — — — —	594 — —	330 — —	— —	66 — —	990 — —	11 Subadars (One of whom is Commandant) — — — — —	594 — —	330 — —	— —	66 — —	990 — —
10 Jemadars — — — — —	135 — —	150 — —	— —	25 — —	310 — —	20 Jemadars — — — — —	270 — —	300 — —	— —	50 — —	620 — —
51 Havildars (One of whom is Havildar Major) — — — — —	476 — —	510 — —	— —	34 — —	1,020 — —	52 Havildars (Two of whom are Havildar Majors) — — — — —	485 6 —	520 — —	— —	34 10 —	1,040 — —
50 Naiks — — — — —	366 10 8	500 — —	— —	33 5 4	900 — —	50 Naicks — — — — —	366 10 8	500 — —	— —	33 5 4	900 — —
4 Trumpeters — — — — —	22 10 8	12 — —	— —	1 5 4	36 — —	4 Trumpeters — — — — —	22 10 8	12 — —	— —	1 5 4	36 — —
900 Sepoys — — — — —	3,666 10 8	2,100 — —	— —	233 5 4	6,300 — —	900 Sepoys — — — — —	5,100 — —	2,700 — —	— —	300 — —	8,100 — —
Total to Natives — — — — —	5,560 15 8	3,602 — —	— —	392 — —	9,556 — —	Total to Natives — — — — —	6,838 15 4	4,362 — —	— —	485 4 8	11,686 — —
Staff to a Battalion.						Staff to a Regiment.					
1 European Adjutant — — — — —	62 — —	— —	— —	— —	62 — —	2 Serjeant Majors — — — — —	40 — —	— —	— —	— —	40 — —
1 Serjeant Major — — — — —	20 — —	— —	— —	— —	20 — —	2 Drill Serjeants — — — — —	28 — —	— —	— —	— —	28 — —
1 Drill Serjeant — — — — —	14 — —	— —	— —	— —	14 — —	1 Quarter Master Serjeant — — — — —	14 — —	— —	— —	— —	14 — —
1 Quarter Master Serjeant — — — — —	14 — —	— —	— —	— —	14 — —	1 Native Commandant — — — — —	60 — —	— —	— —	— —	60 — —
1 Native Commandant — — — — —	60 — —	— —	— —	— —	60 — —	2 D <sup>o</sup> Adjutants — — — — —	32 — —	— —	— —	— —	32 — —
1 D <sup>o</sup> Adjutant — — — — —	16 — —	— —	— —	— —	16 — —	2 Havildars, Majors — — — — —	7 5 4	— —	— —	— —	7 5 4
1 Havildar Major — — — — —	3 10 8	— —	— —	— —	3 10 8	10 Sircars — — — — —	100 — —	100 — —	— —	— —	200 — —
10 Sircars — — — — —	100 — —	100 — —	— —	— —	200 — —	4 Doctors — — — — —	40 — —	40 — —	— —	— —	80 — —
3 Doctors — — — — —	30 — —	30 — —	— —	— —	60 — —	10 Watermen — — — — —	113 — —	60 — —	— —	6 10 8	180 — —
10 Watermen — — — — —	56 10 8	30 — —	— —	3 5 4	90 — —	10 Beldars, or Tavildars (native Pioneers) — — — — —	30 — —	20 — —	— —	— —	50 — —
10 Pioneers — — — — —	100 — —	100 — —	— —	20 — —	220 — —	Total to Staff — — — — —	464 10 8	220 — —	— —	6 10 8	691 5 4
Total to Staff — — — — —	476 5 4	260 — —	— —	23 5 4	759 10 8	Lafcars.					
Lafcars.						1 Tindal — — — — —	7 8 —	4 — —	— —	— 8 —	12 — —
1 Tindal — — — — —	7 8 —	4 — —	— —	— —	12 — —	2 Caffots — — — — —	11 — —	6 — —	— —	1 — —	18 — —
2 Caffots — — — — —	11 — —	6 — —	— —	1 — —	18 — —	20 Lafcars — — — — —	95 — —	40 — —	— —	5 — —	140 — —
20 Lafcars — — — — —	95 — —	40 — —	— —	5 — —	140 — —	Total to Lafcars — — — — —	113 8 —	50 — —	— —	6 8 —	170 — —
Total to Lafcars — — — — —	113 8 —	50 — —	— —	6 8 —	170 — —	Artificers and Coolies.					
Artificers and Coolies.						1 Myltry — — — — —	7 — —	3 — —	— —	— —	10 — —
2 Carpenters — — — — —	10 — —	4 — —	— —	— —	14 — —	1 Mate — — — — —	7 — —	1 8 —	— —	— —	8 8 —
1 Fireman — — — — —	5 — —	2 — —	— —	— —	7 — —	4 Armourers — — — — —	20 — —	8 — —	— —	— —	28 — —
2 Hammermen — — — — —	6 — —	4 — —	— —	— —	10 — —	2 Firemen — — — — —	10 — —	4 — —	— —	— —	14 — —
1 Mltry Armourer — — — — —	7 — —	3 — —	— —	— —	10 — —	2 Hammermen — — — — —	6 — —	4 — —	— —	— —	10 — —
4 Armourers — — — — —	20 — —	8 — —	— —	— —	28 — —	2 Carpenters — — — — —	10 — —	4 — —	— —	— —	14 — —
2 Sailmakers — — — — —	10 — —	4 — —	— —	— —	14 — —	2 Sail Makers — — — — —	10 — —	4 — —	— —	— —	14 — —
1 Chuckler — — — — —	4 4 —	2 — —	— —	— —	6 4 —	2 Chucklers — — — — —	8 8 —	4 — —	— —	— —	12 8 —
7 Bhefties (with Allowance for Bays, &c.) — — — — —	52 8 —	21 — —	— —	— —	73 8 —	8 Stand Bhefties — — — — —	60 — —	24 — —	— —	— —	84 — —
3 Sweepers (D <sup>o</sup> for Brooms, &c.) — — — — —	9 3 —	6 — —	— —	— —	15 3 —	4 Sweepers — — — — —	12 4 —	8 — —	— —	— —	12 4 —
5 Hackries — — — — —	150 — —	— —	— —	— —	150 — —	4 Hackries — — — — —	120 — —	— —	— —	— —	120 — —
10 Doolies and 50 Bearers — — — — —	300 — —	— —	— —	— —	300 — —	10 Doolies, and 50 Bearers — — — — —	300 — —	— —	— —	— —	300 — —
Total to Artificers — — — — —	573 15 —	54 — —	— —	— —	627 15 —	Total to Artificers — — — — —	570 12 —	64 8 —	— —	— —	635 4 —
Contingencies.						Contingencies.					
Iron, Steel, Charcoal, and Buzar Medicines — — — — —	120 — —	— —	— —	— —	120 — —	Iron, Steel, &c. — — — — —	— —	— —	— —	— —	140 — —
Canvas, Twine, Line, &c. — — — — —	60 — —	— —	— —	— —	60 — —	Canvas, Twine, &c. — — — — —	— —	— —	— —	— —	60 — —
Writer and Stationary — — — — —	60 — —	— —	— —	— —	60 — —	Writer and Stationary — — — — —	— —	— —	— —	— —	60 — —
Subsistence to Recruits before joining — — — — —	60 — —	— —	— —	— —	60 — —	For Hirkarras, when on Command, having no superior Officer — — — — —	— —	— —	— —	— —	105 — —
For Hirkarras, when on Command, having no superior Officer — — — — —	105 — —	— —	— —	— —	105 — —	Total to Contingencies — — — — —	— —	— —	— —	— —	365 — —
Total of Contingencies — — — — —	405 — —	— —	— —	— —	405 — —	Total of Contingencies — — — — —	— —	— —	— —	— —	365 — —
Total Amount of a complete Battalion — — — — — S <sup>r</sup> R <sup>o</sup> — — — — —	— —	— —	— —	— —	14,571 7 8	Total Amount of One Regiment, or Two Battalions — — — — — S <sup>r</sup> R <sup>o</sup> — — — — —	— —	— —	— —	— —	16,963 7 4



( M )

To the Honourable Warren Hastings, Esquire, Governor General, &c. Members of the Supreme Council.

Gentlemen,

In consequence of your Commands to me, under Date the 14th Instant, I do myself the Honour of laying before you, Propositions for doubling up the Battalions of the European Regiments, and forming these Corps upon an Establishment the best suited to their present Strength, as well as calculated to the retrenching the Expence of them.

I also submit to you, a Scheme for augmenting the Sepoy Battalions (instead of raising new ones) and forming them into Regiments, upon a Plan more perfect, and with more extensive Views, than my Proposition of the 31st October comprehended.

With these Propositions you will receive.

N<sup>o</sup> 1. A Comparative Statement of the Expence of a Regiment of European Infantry, on the present Establishment, and of one on the Establishment recommended by me.

N<sup>o</sup> 2. A Comparative View of the Expence of a Battalion of Sepoys on the present Establishment, and of a Regiment of Two Battalions on the proposed one.

N<sup>o</sup> 3. A Memorandum, exhibiting the Saving that will accrue upon the Whole of the new Arrangements offered to your Consideration.

You will observe, Gentlemen, that I have included in my Plan those Battalions which compose Lieutenant Colonel Pearse's Detachment. Besides being prompted to recommend that these Corps may be put on the same Footing with the rest, by all the Reasons which evince the Necessity of thoroughly reforming and new modelling the native Infantry of our Army, I am further induced to wish the proposed Regulations to extend to them, on Account of the Officers who must necessarily be included in the Promotion that it will be requisite to make, in order to the carrying my Plan into Effect; and who otherwise must be removed, to the great Obstruction and Detriment to the Public Service. The Number of Men that will be wanted to complete this Detachment to the new Establishment, after reducing the 20th Battalion, and incorporating the Sepoys of it into the Five others, will only be Three hundred; which may be immediately drafted (as I have proposed) from the Battalions of the 1st Brigade at Barrickpore.

I have been led to recommend the Reduction of the 20th Battalion of Sepoys, on Account of the late refractory Conduct of the Corps; and the great Desertions from Captain Browne's Battalion of Light Infantry, has influenced me to propose the breaking of this Corps also, in my general Arrangements. These Motives, I flatter myself, will have their due Weight with the Board.

By augmenting the Sepoy Brigade Battalions now on the Establishment, which (exclusive of those on Service with General Goddard in the West of India) are Thirty-six in Number; and regimenting them upon the Plan I have proposed, the actual Encrease of these Corps will be 7,200 Rank and File, which is equal to the present Strength of Nine Battalions. The annexed Memorandum (N<sup>o</sup> 3.) will satisfy you, Gentlemen, that the Difference of Expence between raising this Number of new Battalions, and making up an equal Strength, according to the liberal and advantageous Mode I have recommended, will be only against my Plan 8,481 Sonat Rupees per Mensm. But I have to oppose to this Loss incurred by my Sepoy Arrangements, a monthly Saving of 37,186 S<sup>t</sup> Rupees, which will arise from the proposed Reduction of the Battalions of the European Regiments.

As I have already, Gentlemen, fully set forth, in my Letter to you of the 31st of October, the Advantages of the Sepoy Arrangements, which I now lay before you, as far as respects the Purposes of manœuvring and disciplining the native Corps, as well as the probable Effects which may be produced on the Minds of the Country Powers, by such an apparent Encrease of the Number of Battalions on our Establishment, I will take the Liberty to refer you to that Address for my Reasoning on these Heads, as well as for the Arguments I advanced for abolishing the Office of native Commandant, and proposing that the native Adjutants should be made from Jamautdars instead of Subadars.

I come now to speak of the advanced Rank and Allowances which I have proposed to be granted to the Officers commanding Regiments; which, however great an Innovation it may be, I hope I shall be able to make appear to be both proper and unavoidable.

At the same Time that, in order to the rooting out the Abuses which had, from a long Course of Practice, insinuated themselves throughout the Army, and which are of a Nature tending immediately to the Ruin of the Corps composing our native Infantry, and consequently to the endangering the British Interests in this Country; it is become indispensably necessary to fix such Checks, and to establish such severe Rules with respect to the Mustering and Paying of the Sepoys, as shall put it entirely out of the Power of their Commanding Officers to derive any Emolument from Deficiencies in their Corps, or from any other improper Sources, and hereby engage their Attention wholly to the disciplining of them. It is likewise requisite (to this beneficial and desirable End) to annex such Rank and Allowances to the Command of these Officers, as suits its Importance and the Length of their Services: For totally to debar them from all Perquisites and Emoluments whatsoever, without advancing their Rank and Salary, would (supposing it possible to introduce such a Regulation into



## A P P E N D I X, N<sup>o</sup> 13. (M)

our Army) produce no other Consequence than that of rendering them to a Man disaffected to the Service. I need not add, that this is a Disposition which would certainly give Birth to an universal Relaxation of Discipline; an Evil to which, under such Circumstances, no Remedy, however violent, could be effectually applied: This Danger, however, will be avoided by granting the Superior Officers the advanced Rank and Allowances proposed by me, which, no Doubt, will ere long reconcile them to the Reform; which, by disengaging them from the Pursuit of other Objects, will lead them to exert themselves more than ever, in training and disciplining the Corps committed to their Charge.

There remains, Gentlemen, little more for me to say; those Parts of the annexed Regulations on which I have not remarked, will, I trust, speak for themselves. But I am particularly hopeful, that the Forms I have prescribed for mustering and paying the native Troops, will evince, that my principal View in these Arrangements, has been to strike at the Root of every Abuse that has hitherto operated, either to the Prejudice of good Order and Discipline, or the Rights of the native Soldiery, on whose hearty Attachment to the Service so much depends.

I am aware that, exclusive of Pay, Batta, and Allowances, there may be some other additional Expences incurred by the Arrangements I have the Honour to lay before you, of which I have not taken Notice in my Statements: It is not my Intention to rest their Propriety or Utility on the Proof of their yielding the Saving exhibited in the annexed Memorandum; I shall be satisfied if they do not increase the Disbursements on the Army Account; and, though contrary to Appearances as well as to my Hope, they should add, in a small Degree, to the Military Burthen, yet I am confident, that the beneficial Consequences, which will in due Time result from them, will be considerably more than equivalent to the extraordinary Expence that may be incurred by them.

I have the Honour to be,  
Gentlemen,

Your most obedient humble Servant,  
(Signed) G. Stibbert.

Fort William,  
24th December 1780.

A true Copy.  
E. Hay,  
Secy.

Extract of the General Letter from Bengal, in the Secret Department, to the Court of Directors,  
dated the 7th January 1781.

The Provincial Commander in Chief, in the Persuasion that to derive from the native Infantry of our Establishment those capital Advantages which can only result from exact Discipline, tempered with a strict Administration of the Rights of the Soldiery, it was positively necessary thoroughly to reform and new-model the Corps composing this Part of our Military Force, presented to us on the 26th ultimo a Series of Propositions, best calculated, according to his Judgment, for compassing so important and useful an End. These Propositions were accompanied with figured Statements, exhibiting, as nearly as might be, the extraordinary Expence which would be incurred by the new Sepoy Establishments, and the Annual Saving which would accrue from the general Arrangements.

The Letters which we have received from Brigadier General Stibbert on this Subject, and Copies of the Statements and Propositions accompanying them, are sent to you Numbers in this Dispatch. After maturely considering the Principles on which the Plan submitted to us was obviously founded; after measuring the Extent of the Advantages it promised to produce, and after satisfying ourselves that it united Economy and Utility, we delayed not, in the Conviction that the late Military Constitution of our native Infantry was pregnant with Defects which, unless timely corrected, threatened the most serious and alarming Consequences, to pass the Whole of General Stibbert's Propositions into Resolutions of our Council.

We will here delineate, as far as may be necessary, the general Ground-work of this new Superstructure, marking the less obvious Motives of particular Regulations, and distinguishing, in a concise Manner, the Advantages they possess over former Institutions and Arrangements.

The apparent Strength of the Battalions of the European Regiments being at all Times very inconsiderable (rarely exceeding 300 Rank and File) and their positive or effective Strength being frequently below 200 Men, the large Establishment of Officers annexed to these Corps appeared to be productive of an utterly irrequisite Expence, without yielding a single Advantage in a Military Point of View: Influenced by these Reflections, we made it our Request to General Stibbert, to examine the Expediency of doubling up the Battalions of the Regiments: And accordingly we have had the Satisfaction of receiving his Concurrence in a Measure that, while it occasions in our Monthly Expence a Retrenchment of 37,186 Sonaut Rupees, furnishes us with a considerable Number of Officers towards completing our native Infantry on the new Establishment.

Although the Commander in Chief has in the annexed Propositions inserted a Clause, expressing, that when the Strength of the European Regiments shall exceed 762 Rank and File, they shall revert to their former Constitution (because in that Case the Corps would be too unwieldy for the Purpose of manœuvring with Celerity and Exactness) yet we must remark, that it is by no Means probable that we shall be reduced, during the Continuance of the War in Europe, to the Necessity of re-adopting this burthensome System on the Military Principle suggested; and that the Period at which alone such a Necessity is likely to occur, will be the best suited to its favourable and easy Operation.

Having

## A P P E N D I X, N<sup>o</sup> 13. (M)

Having resolved, in consequence of the approaching Departure of a Division of our Army towards Madras, to augment our Military Force, we issued Orders for the raising of 6 new Battalions; but the Commander in Chief having suggested to us the Expediency of new-modelling the native Infantry, and of applying an immediate and effectual Remedy to the Abuses which had crept into the Corps composing this Part of the Army, to the great Detriment of the Service, we thought proper to recall those Orders, and to signify to him that we were prepared to receive his Sentiments at large upon this important and interesting Subject; when he accordingly presented to us the annexed Propositions, explaining them, as far as was requisite, in our Consultations of the 26th ultimo, at which he was present.

As the Advantages of the new Sepoy Arrangements, as far as relates to the Purposes of manœuvring and disciplining the Corps, as well as to the Effects which may be produced on the Minds of the Country Powers by such an apparent Increase of the Number of Battalions on our Establishment, are fully set forth in General Stibbert's Letter to us of the 31st of October, we beg Leave to refer you to the same for his Arguments on these Heads; which, we are to observe, had their due Weight with us. We must also request of you, to seek in the same Letter the Reasons adduced by him for abolishing the Office of native Commandant to the Sepoy Regiments; in the Propriety of which we entirely acquiesced, as well as in the Expediency of the Regulation directing the native Adjutants to be made from Jamautdars (instead of Subadars) with a View of preventing these Officers from succeeding to the dangerous Influence and Authority of the Commandants.

At the same Time that, in order to the correcting of the Abuses which had crept into the Army, and which were of a Nature tending directly to the Destruction of the Corps composing it, it was become necessary to fix such Checks, and to establish such rigid Rules, with regard to mustering and paying the Sepoys, as should put it totally out of the Power of the Commanding Officers of Regiments to derive any Emoluments from their Corps, and thereby engage their Attention wholly to the disciplining of them; it also became requisite to annex such Rank and Allowances to the Command of these Officers, as suited its Importance and the Length of their Services: For to have entirely excluded them from all Perquisites and Emoluments whatsoever, without advancing their Rank and Salary, would, supposing it possible to have established such a Regulation, have produced no other Consequence than that of rendering them to a Man disaffected to the Service;—an Evil that must have necessarily been followed by an universal Relaxation of Discipline, for which the most violent Remedy would, under such Circumstances, be ineffectual.

This Danger however is avoided, by granting, as we have done, advanced Rank and Allowances to the Officers commanding Regiments of Sepoys; who, no Doubt, will ere long be reconciled to the Reform, and, being disengaged from the Pursuit of other Objects, exert themselves more than ever in training and disciplining the Corps committed to their Charge.

You will be satisfied, on examining the annexed Papers, that notwithstanding the great Increase of Field Officers and Captains consequent of the new Arrangements, there will still be an Annual Saving on the Whole of near Three Lacks and a Half of Sonaut Rupees, after allowing for the actual Increase of Force gained to the Establishment. But as the Commander in Chief is aware that, exclusive of Pay and Batta, there may be some other Expences incurred by his Regulations, of which he has not taken any Notice, he does not rest their Propriety or Utility on the Head of Saving: He will be satisfied if they should not increase the Disbursements on the Army Account; and, though contrary to Appearances as well as to his Hope, they should add in a small Measure to the Military Burthen, he asserts himself confident that the beneficial Consequences which will in due Time result from them, will be abundantly more than adequate to the extraordinary Expence they may occasion.

It is unnecessary for us to offer any Remarks on the other Parts of the annexed Regulations. We conceive that they will speak for themselves; and we are particularly hopeful that the prescribed Forms for mustering and paying the native Troops, will convince you that it was our Design (in these Arrangements) to strike at the Root of every Abuse that could possibly affect either the good Order and Discipline of your Forces, or the Rights of the native Soldiery.

### PROPOSITIONS by the Commander in Chief, for reforming and new modelling the Corps of Europeans and native Infantry under this Establishment.

That, in order as well to provide Officers for completing the Establishment of the Sepoy Corps of the Army, on the proposed System, as to reduce the present Expence of the European Infantry, the Three Regiments of Europeans be formed immediately, each into One Battalion, consisting of Ten Companies; viz. One Grenadier, One Light Infantry, and Eight Battalion Companies, to be composed as follows:

One Grenadier Company, to consist of	
1 Captain,	2 Drummers,
3 Lieutenants,	2 Fifes,
5 Serjeants,	and
5 Corporals,	80 Private.
One Light Infantry Company, to be of the same Strength.	

# A P P E N D I X, N<sup>o</sup> 13. (M)

## One Battalion Company, to consist of

1 Captain,	4 Corporals,
1 Lieutenant,	1 Drummer,
2 Ensigns,	1 Fifer,
4 Serjeants,	70 Private.

## Field Officers and Staff to the Regiment :

1 Colonel,	1 Drum Major,
1 Lieut <sup>t</sup> Colonel,	1 Fife D <sup>o</sup> ,
1 Major,	1 Q <sup>r</sup> M <sup>r</sup> Ser <sup>t</sup> ,
1 Adjutant,	1 Drill D <sup>o</sup> ,
1 Q <sup>r</sup> Master,	1 D <sup>o</sup> Corporal,
2 Surgeons,	10 Pay Serjeants,
4 Assistants,	10 Camp Colourmen, in
1 Serjeant Major,	the Field only

That when Recruits shall arrive from Europe, so as to increase the above Establishment, the Regiments shall be again divided into Two Battalions, according to the present Establishment fixed by Sir Eyre Coote.

That the Off-Reckonings of the Three Regiments shall be divided in equal Shares amongst the Captains of those Regiments, excluding Supernumeraries and Staff of that Rank ; and that the Majors of the Regiments shall continue to draw the present Allowance of Five Rupees per Day, in lieu of Off-Reckonings.

That the Establishment of Lascars, Artificers, &c. for One Regiment in the Field, be as follows :

Lascars	—	—	—	2 Serangs	—	} For pitching the Camp Equipage.
				4 Tindals	—	
				100 Lascars	—	
Blacksmiths,	—	—	—	1 Mistry	—	} For repairing of Arms, &c.
				1 Mate	—	
				2 Firemen	—	
				2 Filemen	—	
				2 Hammermen	—	} For D <sup>o</sup> .
Armourers, Brafs Smiths, and Sicklegars	—	—	—	1 Mistry	—	
				1 Mate	—	
				2 Armourers	—	
				2 Brafs Smiths	—	} For sundry Works.
				2 Sicklegars	—	
Carpenters	—	—	—	1 Mistry	—	
				1 Mate	—	} For repairing of Camp Equipage.
Sailmakers and Chucklers	—	—	—	4 Carpenters	—	
				1 Mistry	—	
				1 Mate	—	} For the Comp <sup>t</sup> , including the Officers.
				6 Sailmakers	—	
				4 Chucklers	—	
				1 Mistry	—	} For the Colonel.
				1 Mate	—	
				20 Bullock Bhefties	—	
				20 Hand D <sup>o</sup>	—	} For the L <sup>t</sup> Colonel and Majors.
				40 Sweepers	—	
				1 Bullock Bhefty	—	
				2 Hand D <sup>o</sup>	—	} For the Surgeons and Assistants.
				2 Sweepers	—	
				2 Bullock Bhefties	—	
				2 Hand D <sup>o</sup>	—	} For the Brigade Staff.
				2 Sweepers	—	
				4 Hand D <sup>o</sup>	—	
				4 Sweepers	—	} For levelling and cleaning the Ground of Encampment.
				7 Bhefties	—	
				7 Sweepers	—	
				2 Mates	—	} For keeping of Time.
				30 Bildars	—	
				30 Coolies	—	
				4 Gurrymen	—	} For carrying spare Arms and Stores.
				3 Hackeries	—	

# A P P E N D I X, N° 13. (M)

That the Brigade Staff be as follows:

1 Brigade Major,	} Effective.		1 Chaplain, —	} Effective.
1 Aid de Camp,			1 Surgeon Major,	
1 Assistant Q <sup>r</sup> M <sup>r</sup> General,			1 Paymaster,	
1 Judge Advocate, —	Non-D <sup>o</sup>		1 Deputy D <sup>o</sup>	

Complement for One Regiment on a Peace Establishment.

Lascars	{	1 Serang,		Blacksmiths	{	1 Milttry,
		2 Tindals,				1 Fireman,
		2 Cossobs,				1 Fileman,
		50 Lascars,				1 Hammerman.
Carpenters	{	1 Milttry,		Brassmen —		1 Brassman.
		3 Carpenters,		Sicklegars —		2 Sicklegars,
Armourers	{	1 Milttry,		Chucklers —		2 Chucklers.
		4 Armourers,				

That the Sepoy Corps of this Establishment be new modelled in the Manner following; viz.

That the several Battalions of Sepoys now attached to Brigades, be augmented by new Levies to 1000 Men, Rank and File: That they shall be denominated Regiments, and that these Regiments be formed into Two Battalions of equal Strength, consisting each of Five Companies, viz. One Grenadier and Four Battalion Companies; to be composed as follows:

One Grenadier Company to consist of

1 Lieutenant,		5 Naicks,
1 Subadar,		2 Drums and Fifes,
2 Jamautdars,		1 Trumpeter,
5 Havildars,		90 Sepoys.

One Battalion Company to consist of

1 Lieutenant,		5 Naicks,
1 Subadar,		1 Drummer,
2 Jamautdars,		1 Trumpeter,
5 Havildars,		90 Sepoys.

That this Regiment be commanded by a Major (to be styled Major Commandant) and each Battalion of it by a Captain.

That the Staff-effective and Non-effective of each Battalion of the Regiment be as follows:

1 Serjeant Major,	} Effective.		1 Havildar Major, Non-effective,	} Effective.
1 Drill Serjeant,			5 Sircars,	
1 Q <sup>r</sup> M <sup>r</sup> D <sup>o</sup>			and	
1 Native Adj <sup>t</sup> to be a Jamadar, Non effective,			2 Doctors.	

That the Establishment of Lascars, Bildars, Artificers, &c. &c. and Contingencies for each Battalion, and for the Major Commandant, be as follows:

Lascars, Bildars, &c.	1 Tindal to the 1st Battalion, and 1 Cossob to the 2d	}	For pitching Tents, &c.
	10 Lascars — — — —		
	5 Bildars — — — —	}	For French and the Tents, &c.
	5 Bullock Bhesties — — — —		One to each Company.
	5 Hand D <sup>o</sup> — — — —	}	For the Officers.
	3 Sweepers — — — —		
	2 Hackeries — — — —	}	For Carriage of Spare Arms, &c.
	5 Doolies and 25 Bearers, when under Orders of March only.		
Artificers.	1 Milttry Smith — — — —	}	For repairing Arms, Camp Equipage, &c.
	1 Fireman — — — —		
	1 Hammerman — — — —		
	1 Armourer — — — —		
	1 Sicklegur — — — —		
	1 Carpenter — — — —		
	1 Salmaker — — — —		
Lascars, &c.	1 Chuckler — — — —	}	For the Major Commandant.
	5 Lascars — — — —		
	1 Bullock Bhesty — — — —		
	1 Hand, D <sup>o</sup> — — — —		
Lascars, &c.	1 Sweeper — — — —	}	
	— — — —		

# A P P E N D I X   N<sup>o</sup> 13. (M)

To the Captains commanding the Battalions of the Regiment, for Iron, Steel, Char-	}	60
coal, &c. each		
To Ditto, for Twine, Line, &c. for repairing Camp Equipage	—	40
To the Major Commandant, for a Writer, Stationary, and Repairs of his Camp Equipage	—	80
To the Major Commandant when on Command, having no superior Officer, for Hircar-	}	150
rahs, &c.		

That a Gratuity of 600 Rupees per Month be given to each Major Commandant of a Regiment, in Consideration of his Length of Service, and in lieu of all Perquisites and Emoluments whatsoever, from which they shall be totally excluded.

That an Allowance of 120 Rupees per Month be given to each Captain commanding a Battalion of a Regiment, as a Compensation for the extraordinary Duty annexed to this Station.

That the Subaltern Officers be invested with the same Command and Authority over their respective Companies as is exercised by the Captains commanding Companies in the European Regiment.

That the Captains commanding Battalions shall exercise the same Authority and Command over their respective Battalions as is annexed to the Station of a Field Officer commanding a Battalion of an European Regiment.

That the Major Commandant shall have the same Authority and Command over his Regiment as is usually exercised by a Field Officer commanding an European Regiment.

That from the 1<sup>st</sup> of January next the Saving in the Off-Reckonings of the Sepoy Corps shall be divided amongst the Majors of that Corps, who are to discontinue to draw the present Allowance of Five Rupees per Day, which was given in lieu of Off-Reckonings.

That Majors, when on Detachment with their Regiments, shall only draw the Batta of their Rank, excepting in Cases where the Board may see it proper to admit of a further Allowance by an express Order.

That the Gratuity to be given to the Majors commanding Regiments, and Captains commanding Battalions, shall not be drawn by them except when present, and returned as doing Duty with their respective Corps. When absent, the next senior Officers shall be entitled to these Allowances.

That no Major shall be attached to, or returned upon, the Strength of the Sepoys, but those who are actually appointed to the Command of Regiments.

That no Majors, Captains, or Subaltern Officers, appointed to Sepoy Regiments, shall hold any Staff Appointments whatever in the Army.

That Two Lieutenant Colonels be attached to the Sepoy Corps of each Brigade; and that the following Staff be allowed to the Corps:

1 Adjutant,	}	Effective.	1 Surgeon,	}	Effective.
1 Quarter Master,			and		
1 Quarter Master Serjeant,			6 Assistants,		

That the Establishment of Lascars, Artificers, &c. for the Quarter Master of Sepoys, be as follows:

Lascars,	{	1 Serang,	Bildars,	{	1 Mate,	
		2 Tindals,			10 Bildars,	
	{	40 Lascars.			20 Culies.	
Carpenters	{	2 Carpenters,			2 Bullock Bhefties,	} For 2 Lieutenant Colonels.
and		1 Fireman,			2 Hand D <sup>o</sup> ,	
Blacksmiths,	{	1 Filman,	Bhefties	{	2 Sweepers,	} For 2 Quarter Masters and
		1 Hammerman.	and		2 Hand D <sup>o</sup> ,	
Sailmaker	{		Sweepers,	{	2 Sweepers,	Adjutant.
and					4 Hand D <sup>o</sup> ,	} For 1 Surgeon and 6 As-
Chucklers.	{	1 Sailmaker,			4 Sweepers,	
		1 Chuckler,				

Allowance to the Quarter Master for keeping the Tents of the Lieutenant Colonels and Staff in Repair, and for Banderells, 60 Rupees per Month.

That the native Commandants and Adjutants now in the Service, be continued in their respective Offices; that the former be returned as a Supernumerary, and the latter as pasted to a Company.

That the several Regiments shall be numbered agreeable to the present Seniority of the Battalions from which they are to be formed (that is to say) that the eldest of those Battalions is to be the 1<sup>st</sup> Regiment, the next eldest the Second, and so on in the same Order.

That the following Regulations be observed in the Receipt and Issue of Pay to the Regiments of Sepoys.

That the Regulations already established relative to the Muster and Review Rolls of the Army, shall remain in Force, with this Difference only, that the Officers commanding Companies of Sepoys shall sign the Muster Rolls of their respective Companies upon Honour, in the following Form.

I do

# A P P E N D I X, N° 13. (M)

I do hereby solemnly declare upon my Honour, that the above is a true and faithful Muster Roll of the Company which I command.

(Signed) A. B. Lieutenant commanding the  
of the Battalion of the  
Regiment of Sepoys.

That these Muster Rolls be countersigned by the Captains commanding Battalions, and the Major Commandant of the Regiment.

That the Pay of the several Companies shall be drawn by the Officers commanding them in a figured Abstract, corresponding to the Review Rolls which shall be tacked to the same; and on this joint Voucher, Pay shall be issued by the Paymaster to the several Officers commanding Companies.

That the Captains commanding Battalions shall sign the Muster Rolls, and draw the Pay of the vacant Companies, when there shall be any, and for those of absent Subalterns in their respective Battalions in the Manner above prescribed, subscribing themselves, in Addition to the above Subscription, as follows:

Signed A. B. Captain commanding the Battalion of the  
Regiment, and in immediate Charge of the Company  
of the said Battalion.

That the Pay of the Staff, Serjeants, Lascars, Artificers, Bildars, Bearers, &c. attached to each Battalion, shall be drawn and issued by the Captains, together with the contingent Allowances of their respective Battalions.

That when there is no Paymaster or Deputy present, the Major Commandant of the Regiment shall receive the Muster Rolls and Abstracts of the several Companies, transmit them to the Paymaster of the Brigade, and receive from him the Amount of the Whole, and afterwards distribute it immediately to the Officers commanding Companies, and to the Captains of the Battalions for the vacant Companies (if there shall be any) to be paid by them to their Men.

That the Pay shall be issued to the Men immediately after it is received, in the Presence of the Officers commanding Companies, or the Captains to the vacant Companies; for the exact Performance whereof they are to be held responsible.

That the Officers commanding Companies shall, after issuing the Pay of their respective Companies, make a written Report thereof, addressed to the Captains of their Battalions, in these Words:

Sir,

I do hereby declare upon my Honour, that the Company of Sepoys commanded by me have been paid their full and just Demands, up to the of last according to the Muster Roll for that Month.

(Signed) A. B. Lieut. commanding the Comp<sup>y</sup> of the Batt<sup>n</sup>  
of the Regiment.

Cantonment at 1780.

That the Captains shall lay these Reports before the Major Commandant, who shall carefully preserve them, and duly inform the commanding Officer of his Brigade, or of the Detachment with which he is serving, of his having received the prescribed Reports of the regular Payment of his Regiment; and the commanding Officers of Brigades and Detachments, on receiving these Reports, shall give due Notice thereof to the Commander in Chief.

That the Muster Rolls and Pay Abstracts shall be sent in to the Paymasters on the First of every Month, immediately after the monthly Muster; who are directed to issue the several Amounts, when they have Money in their Hands, without Delay.

That if it shall happen at any Time that the Men are not regularly paid, either from the Paymaster not being in Cash, or from any other Cause, the Majors Commandants of Regiments shall report it in Writing to the Commanding Officer of the Brigade, or other Officer under whom they are serving; who is to communicate the same to the Commander in Chief. The Majors Commandants are at the same Time to specify what is due to their Men.

That the following be the Establishment of Camp Equipage for a Regiment of Sepoys:

1 Field Officer's Marqué	} For the Major	10 Round Subalterns	} For Ten Lieutenants.
1 Private Tent —			
1 Necessary D <sup>o</sup> —	} Commandant.	2 Necessary D <sup>o</sup>	} Three to each Battalion
2 Oblong Marqués		6 Private D <sup>o</sup>	
2 Necessary D <sup>o</sup>	} One to each Captain.	and	
		14 Bell Tents	} for Guards, &c.

That the Commander in Chief be desired to carry these Resolutions forthwith into Execution.

That towards completing the Battalion to be formed into Regiments at the Presidency, the Commander in Chief be requested to direct such Drafts to be made, as he may judge proper, from the Boglepore



A P P E N D I X, N<sup>o</sup> 13. (M)

Boglepore and Buxar Militia Corps; which are afterwards to be replaced with Recruits by the Commanding Officers.

That to form the Corps composing Lieutenant Colonel Pearse's Detachment agreeable to the new Establishment, the 20th Battalion be reduced, the Private Sepoys incorporated into the other Battalions of that Detachment, and a Draft of 300 Men be made from the Battalions of the 1st Brigade at Barrickpore.

That the Warrant and Non-warrant Officers of the 20th Battalion be sent to Berhampore, to be posted to a Regiment to be raised in the Place of this Battalion at that Station.

That to assist in completing the Battalions at Cawnpore to the Strength of the Regiments, his Excellency the Vizier be requested to permit a Draft of 400 Men, Volunteers, to be made from his Body Guard at Lucknow.

That to help in completing the Battalions under the Command of Major Camac, the Corps of the Light Infantry, commanded by Captain James Brown, be reduced and incorporated into the Regiments to be formed from those Battalions. The Warrant and Non-warrant Officers of this Corps to be borne on the Strength of these and the other Regiments in the Field (till Vacancies fall) as Supernumeraries.

A true Copy,

E. Hay,  
Act<sup>y</sup> Sec<sup>y</sup>.

COMPARATIVE



# A P P E N D I X, N<sup>o</sup> 13. (M)

COMPARATIVE STATEMENT of the Expence of One Battalion of Sepoys on the present Establishment, and a Regiment of Two Battalions on the proposed Establishment by Brigadier General Stibbert.

Battalions on the present Establishment.	Pay and Gratuity.	Full Batta.	Additional Allowance.	Off-reckonings.	Total.	Regiment on the proposed Establishment.	Pay and Gratuity.	Full Batta.	Additional Allowance.	Off-reckonings.	Total.
1 Captain — — —	160 — —	186 — —	— — —	— — —	346 — —	1 Major — — —	186 — —	465 — —	600 — —	— — —	1,251 — —
5 Lieutenants — — —	430 — —	620 — —	155 — —	— — —	1,205 — —	2 Captains — — —	320 — —	372 — —	240 — —	— — —	932 — —
3 Ensigns — — —	311 14 —	465 — —	155 — —	— — —	931 14 —	10 Lieutenants — — —	860 — —	1,240 — —	310 — —	— — —	2,410 — —
3 Sergeants — — —	48 — —	30 — —	— — —	12 — —	90 — —	12 Drums and Fifes — — —	132 — —	120 — —	— — —	36 — —	288 — —
20 Drums and Fifes — — —	220 — —	200 — —	— — —	60 — —	480 — —	10 Subadars — — —	540 — —	300 — —	— — —	60 — —	900 — —
11 Subadars, 1 of whom is Commandant — — —	594 — —	330 — —	— — —	66 — —	990 — —	20 Jemautdars — — —	270 — —	300 — —	— — —	50 — —	610 — —
10 Jemautdars — — —	135 — —	150 — —	— — —	25 — —	310 — —	50 Havildars — — —	466 6 —	500 — —	— — —	33 10 —	1,000 — —
51 Havildars, 1 of whom is Havildar Major — — —	476 — —	510 — —	— — —	34 — —	1,020 — —	50 Naicks — — —	366 10 8	500 — —	— — —	33 5 4	900 — —
50 Naicks — — —	366 10 8	500 — —	— — —	33 5 4	900 — —	10 Trumpeters — — —	56 10 8	30 — —	— — —	3 5 4	90 — —
4 Trumpeters — — —	22 10 8	12 — —	— — —	1 5 4	36 — —	900 Sepoys — — —	5,100 — —	2,700 — —	— — —	300 — —	8,100 — —
700 Sepoys — — —	3,966 10 8	2,100 — —	— — —	233 5 4	6,300 — —						
Total to Europeans, &c. — — —	6,730 14 —	5,103 — —	310 — —	465 — —	12,608 14 —	Total to Europeans, &c. — — —	8,297 14 4	6,527 — —	1,150 — —	516 4 8	16,491 — —
Staff to a Battalion.						Staff, &c.					
1 European Adjutant — — —	62 — —	— — —	— — —	— — —	62 — —	2 Serjeant Majors — — —	32 — —	20 — —	40 — —	8 — —	100 — —
1 Serjeant Major — — —	20 — —	— — —	— — —	— — —	20 — —	2 Drill Serjeants } effective — — —	32 — —	20 — —	21 — —	8 — —	88 — —
1 Drill Serjeant — — —	14 — —	— — —	— — —	— — —	14 — —	2 Quarter Master D <sup>s</sup> — — —	32 — —	20 — —	21 — —	8 — —	88 — —
1 Quarter Master D <sup>s</sup> — — —	14 — —	— — —	— — —	— — —	14 — —	2 Native Adjutants } Non-D <sup>s</sup> — — —	— — —	— — —	32 — —	— — —	32 — —
1 Native Commandant — — —	60 — —	— — —	— — —	— — —	60 — —	2 Havildars Majors } — — —	— — —	— — —	10 — —	— — —	10 — —
1 D <sup>s</sup> Adjutant — — —	16 — —	— — —	— — —	— — —	16 — —	10 Sircars, or Moonies } effective — — —	100 — —	100 — —	— — —	— — —	200 — —
1 Havildar Major — — —	3 10 8	— — —	— — —	— — —	3 10 8	4 Native Doctors — — —	40 — —	40 — —	— — —	— — —	80 — —
10 Sircars — — —	100 — —	100 — —	— — —	— — —	200 — —	Total to Staff — — —	236 — —	200 — —	138 — —	24 — —	598 — —
3 Doctors — — —	30 — —	30 — —	— — —	— — —	60 — —	Lascars, &c.					
10 Watermen — — —	56 10 8	30 — —	— — —	3 5 4	90 — —	1 Tindal — — —	7 8 —	4 — —	— — —	8 — —	12 — —
10 Pioneers — — —	100 — —	100 — —	— — —	20 — —	210 — —	2 Cofsohs — — —	5 8 —	3 — —	— — —	8 — —	9 — —
Total to Staff — — —	476 5 4	260 — —	— — —	23 5 4	759 10 8	25 Lascars — — —	118 12 —	50 — —	— — —	6 4 —	175 — —
Lascars, &c.						10 Beldars — — —	30 — —	20 — —	— — —	— — —	50 — —
1 Tindal — — —	7 8 —	4 — —	— — —	8 — —	12 — —	10 Bullock Bhetties for the Comp <sup>y</sup> , includ <sup>d</sup> Bags — — —	70 — —	20 — —	— — —	— — —	90 — —
2 Cofsohs — — —	11 — —	6 — —	— — —	1 — —	18 — —	12 Hand D <sup>s</sup> for the Officers and Serjeants, D <sup>s</sup> D <sup>s</sup> — — —	90 — —	24 — —	— — —	— — —	114 — —
20 Lascars — — —	93 — —	40 — —	— — —	5 — —	140 — —	7 Sweep <sup>rs</sup> — — —	21 7 —	14 — —	— — —	— — —	35 7 —
7 Bhetties, with Allowance for Bags — — —	52 8 —	21 — —	— — —	— — —	73 8 —	4 Hackries — — —	120 — —	— — —	— — —	— — —	120 — —
3 Sweep <sup>rs</sup> , D <sup>s</sup> for Brooms — — —	9 3 —	6 — —	— — —	— — —	15 3 —	10 Doolies, and 50 Bearers — — —	300 — —	— — —	— — —	— — —	300 — —
5 Hackries — — —	150 — —	— — —	— — —	— — —	150 — —	Total to Lascars, &c. — — —	763 3 —	135 — —	— — —	7 4 —	905 7 —
10 Doolies and 50 Bearers — — —	300 — —	— — —	— — —	— — —	300 — —	Artificers.					
Total to Lascars, &c. — — —	615 3 —	77 — —	— — —	6 8 —	708 11 —	2 Mytly Smiths — — —	14 — —	6 — —	— — —	— — —	20 — —
Artificers.						2 Firemen — — —	10 — —	4 — —	— — —	— — —	14 — —
2 Carpenters — — —	10 — —	4 — —	— — —	— — —	14 — —	2 Hammermen — — —	6 — —	4 — —	— — —	— — —	10 — —
1 Fireman — — —	5 — —	2 — —	— — —	— — —	7 — —	2 Armourers — — —	10 — —	4 — —	— — —	— — —	14 — —
2 Hammermen — — —	6 — —	4 — —	— — —	— — —	10 — —	2 Sicklegurs — — —	10 — —	4 — —	— — —	— — —	14 — —
1 Miltry Armourer — — —	7 — —	3 — —	— — —	— — —	10 — —	2 Carpenters — — —	10 — —	4 — —	— — —	— — —	14 — —
4 Armourers — — —	20 — —	8 — —	— — —	— — —	28 — —	2 Sailmakers — — —	10 — —	4 — —	— — —	— — —	14 — —
2 Sailmakers — — —	10 — —	4 — —	— — —	— — —	14 — —	2 Chucklers — — —	10 — —	4 — —	— — —	— — —	14 — —
1 Chuckler — — —	4 4 —	2 — —	— — —	— — —	6 4 —	Total to Artificers — — —	80 — —	34 — —	— — —	— — —	114 — —
Total to Artificers — — —	62 4 —	27 — —	— — —	— — —	89 4 —	Contingencies.					
Contingencies.						Iron, Steel, Charcoal, Paper, &c. to the Captains — — —	120 — —	— — —	— — —	— — —	120 — —
Iron, Steel, Charcoal, and Bugar Medicines — — —	120 — —	— — —	— — —	— — —	120 — —	Canvas, Twine, Line, &c. — — —	80 — —	— — —	— — —	— — —	80 — —
Canvas, Twine, Line, &c. — — —	60 — —	— — —	— — —	— — —	60 — —	Writer and Stationary, and Repairs of Camp } Equipage, to the Major — — —	80 — —	— — —	— — —	— — —	80 — —
Writer and Stationary — — —	60 — —	— — —	— — —	— — —	60 — —	Total Contingencies — — —	280 — —	— — —	— — —	— — —	280 — —
Subsistence to Recruits before joining — — —	60 — —	— — —	— — —	— — —	60 — —	Total Amount of a Regiment on the proposed Establishment — — —					18,388 7 —
Total Contingencies — — —	300 — —	— — —	— — —	— — —	300 — —						
Total Amount of a complete Battalion — — —				Son <sup>t</sup> Rup <sup>t</sup>	14,471 7 8						

# A P P E N D I X, N<sup>o</sup> 13 (M)

COMPARATIVE ACCOUNT of the Establishment of Lascars and Artificers, &c. allowed to a Quarter Master for the Sepoy Corps attached to a Brigade on the present Establishment, and the Establishment proposed by Brigadier General Stibbert.

PRESENT ESTABLISHMENT.					PROPOSED ESTABLISHMENT.				
	Pay.	Off-Reck <sup>n</sup> .	Batta.	Total.		Pay.	Off-Reck <sup>n</sup> .	Batta.	Total.
1 Serang	11	1	5		1 Serang	11	1	8	
2 Tindals	15	1	8		2 Tindals	15	1	5	
2 Coffoos	11	1	6		40 Lascars	190	10	80	
50 Lascars	237 8	12 8	100			216	12	93	321
	274 8	15 8	119	409					
Artificers, &c.					Artificers, &c.				
1 Mate Bildar	4		2		2 Carpenters	10		4	
10 Bildars	30		20		1 Fireman	5		2	
2 Carpenters	10		4		1 Hammerman	3		2	
1 Fireman	5		2		1 Fileman	5		2	
2 Hammermen	6		2		1 Sail Maker	5		2	
1 Fileman	5		2		1 Chuckler	4 4		2	
1 Chuckler	4 4		2		1 Mate Bildar	4		2	
2 Sail Makers	10		4		10 Bildars	30		20	
1 Mifty Coolie	5		2		20 Coolies	60		40	
1 Mate D <sup>r</sup>	4		2		2 Bullock Bhelties	15		4	
30 Coolies	90		60		8 Hand D <sup>r</sup>	56		16	
3 Bhelties	28 8		9		8 Sweepers	24 8		16	
9 Hand D <sup>r</sup>	67 8		27			221 12		112	333 12
8 Sweepers	24 8		60						
	293 12		157	450 12	Allowance for repairing Camp Equipage for 2 Lt Col <sup>s</sup> and Staff, and Camp Lines, Banderolls, &c.				60
Total				859 12	Amount Establishment proposed				714 12
Allowance for repairing the Tents of 1 Lieut. Col. and 2 Majors, and Camp Lines and Banderolls				70	Difference saved per Month				215
Amount of the present Establishment			Son <sup>t</sup> Rupees	929 12					929 12

## A B S T R A C T.

Battalion on the present Establishment.					Regiment on the proposed Establishment.				
Pay, Batta, &c. to the Officers and Private				12,608 14	Pay and Batta to the Officers and Private				16,491
Pay and Batta to the Staff, &c.				759 10 8	Pay and Batta to the Staff, &c.				598
Pay to the Lascars, &c.				708 11	Pay to the Lascars, &c.				905
Pay, &c. to Artificers				89 4	Pay to the Artificers				114
Contingencies				300	Contingencies				280
Total Pay, &c. to One Batt <sup>n</sup>			Son <sup>t</sup> R <sup>s</sup>	14,466 7 8					
Difference in Expence between a Regiment and a Battalion				3,921 15 4	Pay, &c. to One Regiment			Son <sup>t</sup> Rupees	18,388 7
			Sonaut R <sup>up</sup>	18,388 7					

Mem<sup>o</sup>. Three of the Six Lieutenant Colonels, who are now upon the present Establishment of the Regiments, are in the proposed Establishments transferred to the Sepoy Corps, and this Charge accounted for in the Memorandum of the Saving in the general Arrangements.

Fort William, 23d December 1780.

(Signed) Giles Stibbert,



# A P P E N D I X, N° 13. (M)

MEMORANDUM. Shewing the Saving on the new Arrangements of the Army, proposed by Brigadier General Stibbert. 36 Regiments of Sepoys on the proposed Establishment of 1000 Men each, Rank and File, are exactly equal to 45 Battalions on the present Establishment of 800 Men each, Rank and File.

36 Regiments, at Rupees 18,388 per Month each, is	—	—	—	6,61,989	12	—
45 Battalions, at Rupees 14,471. 7. 8. per D°, is	—	—	—	6,51,216	9	—
Difference in Expence between 36 Regiments and 45 Battalions, is	—	—	—	10,773	3	—
Saving on Six Majors, included in the Com <sup>d</sup> of the 36 Regiments	—	—	—	4,836	—	—
Saving on the Sepoy Quarter Master Establishment of People	—	—	—	645	—	—
	—	—	—	5,481	—	—
Deduct Expence of 3 Lieutenant Colonels struck off the Establishment of the European Regiments, and added to that of the Sepoys	—	—	—	3,189	—	—
	—	—	—	2,292	—	—
Remains Additional Charge on 36 Regiments	—	—	—	8,481	3	—
Expence of Commissioned, Non-commissioned, Staff, and Artificers of 3 Regiments of Europeans on the present Establishment, is, per Mensen	—	—	—	1,04,928	—	—
Expence of Commissioned, Non-commissioned, and Staff of 3 Regiments on the proposed Establishment, is	—	—	—	67,741	5	—
Saving on the Three Regiments, by doubling up the Battalion, is, per Month	—	—	—	37,186	11	—
Deduct Additional Charge on the Sepoy Corps	—	—	—	8,481	3	—
Total Saving per Mensen by the several Arrangements	—	—	Rupees	28,705	8	—
N. B. Annual Saving on the several Arrangements	—	—	Sonat Rupees	3,44,466	—	—

Fort William, 23d December  
1780.

(Signed)

Giles Stibbert.





S I X T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed<sup>re</sup> in the Year M.DCC.LXXXII.



---

---

S I X T H  
R E P O R T  
FROM THE  
S E L E C T C O M M I T T E E,

Appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted.

---

**Y**OUR Committee having, agreeably to the Spirit of the Instructions of the House, examined very minutely into the Circumstances of the Natives of India who mediate or immediately are subject to the British Government, find the Abuses and Disorders which prevail in that Government to be such, and the Oppressions which the Natives suffer under them so various, heavy, and complicated, that nothing less is threatened than utter Ruin to those lately flourishing Countries. The Government of Bengal in particular, professing to proceed upon certain Principles in the Civil Government, the Economy of the Revenue, the Administration of Justice, the Tenure of Landed Property, and the Treatment of the Princes dependent on the Company's Power, after wholly overturning, by rapid and unauthorized Revolution, Establishments made by themselves and approved by the Court of Directors, have, under Pretence of reverting to those Principles, introduced a System which cannot be supported on any wise or honourable Ground, and can only be productive of a Continuance of the Disobedience to the Government of this Kingdom, the Despotism over the Natives, and the Waste of the Public Treasure for private Purposes, which have already appeared in so many repeated Instances in the Conduct of those in Power in India.

But as the Enquiry, from its immense Extent, has been protracted to a very late Period of the Session, Your Committee think it most advisable to report thus much of the Matter by them collected to lay before the House, in order to form a Ground for a Proceeding in the next Session, not having at present Time to digest their Observations upon a Matter so extensive and intricate, as well as of the highest Importance.

Your Committee having received Information that the Governor General and Council of Bengal had changed the whole System of the Collections of the Public Revenue of Bengal, as also the Administration of Civil and Criminal Justice throughout the Provinces, by an Order of Council, directed

the East India Company to lay before them the Proceedings which were held in Bengal, on which their Resolutions were founded. The Court of Directors had not at that Time received the official Papers; but Major Scott, the Agent of Mr. Hastings, laid before Your Committee the important Information on these Points, comprized in the following Papers :

Temporary Plan for the Administration of the Revenues of Bengal and Bahar, formed the 23d November 1773 by the Honourable the Governor General and Council, in their Revenue Department. Appendix, N<sup>o</sup> 1.

Permanent Plan for the Administration of the Revenues of Bengal and Bahar, formed the 20th February 1781 by the Honourable the Governor General and Council, in their Revenue Department. Appendix, N<sup>o</sup> 2.

Copy of a Letter from the Committee of Revenue to the Honourable the Governor General and Council, submitting to them temporary Establishments for the Chiefs and Collectors of the different Divisions :

Also Regulations formed by the Committee for conducting the Business of their Departments. Appendix, N<sup>o</sup> 3.

Comparative State of the Expences of collecting the Revenues of 1186, with the new Establishment for the Revenue Department. (Hereinafter set forth.)

Account, shewing the particular Articles on which Retrenchments have been made by the proposed Establishment. (Hereinafter also set forth.)

Plan for the Settlement of the Revenue of Bengal and Bahar for the Bengal Year 1188, formed by the Committee of Revenue, and submitted by them to the Honourable the Governor General and Council the 29th March 1781. Appendix, N<sup>o</sup> 4.

Extract of a Letter from the Honourable the Governor General and Council, in their Revenue Department, dated the 30th March 1781, to the Committee of Revenue, respecting the Settlement of the Revenues of Bengal and Bahar, submitted by them to the Honourable Board the 29th March 1781. Appendix, N<sup>o</sup> 5.

Estimate of what the Savings in the Revenue Department will be when the Retrenchments are all effected by the Committee of Revenue. And also of the Gain that will arise from the permanent Plan, formed in February 1781, for the Administration of the Revenues. (Hereinafter set forth.)

Regulations for the Administration of Civil and Criminal Justice throughout the Provinces, as entered in the Revenue Consultation of 6th April 1781. Appendix, N<sup>o</sup> 6.

Subsidiary Regulations for the Dewannee Courts, as entered in the same Consultation. Appendix, N<sup>o</sup> 7.

Major Scott also laid before Your Committee, an Extract of a General Letter from the Governor General and Council, in their Revenue Department, to the Court of Directors, dated the 5th of May 1781; and as this Extract contains all the Arguments of the Governor General and Council in favour of this Change in the Mode of collecting the Revenues, Your Committee have thought proper to insert it at large in the Report.

Extract of General Letter to the Honourable the Court of Directors, from the Revenue Department, dated 5th May 1781.

Par. 18th. The Plan of superintending and collecting the Public Revenue of these Provinces, through the Agency of Provincial Councils, as recorded on the Proceedings of the late President and Council, of the 23d of November 1773, in this Department, having been instituted for the temporary and declared Purpose of introducing another more permanent Mode by an easy and gradual Change, to as to avoid the Effects of too sudden an Innovation, as further delineated in the same Proceedings, which shew that its principal Object was to bring down all the Collections of the Provinces to the Presidency, to be there administered by a Committee of the most able and experienced of the Covenanted Servants of the Company, under the immediate Inspection, and with the Opportunity of instant Reference for Instruction to the President and Council: We have lately constituted, in conformity to this Design, a Committee of Revenue, consisting of Four Covenanted Servants; who have been entrusted with the Charge and Administration of the Public Revenues of these Provinces, and invested in the fullest Manner with all the Powers and Authority under our own Controul, which we possess, and shall not reserve exclusively to ourselves.

19th. The Provincial Councils have been accordingly dissolved, and their Charge and Powers transferred to the Committee of Revenue, and the Members of the Councils called to the Presidency, except the Chiefs of each, who, with the Collectors of the separate Districts, remain in the temporary Charge of their respective Stations, under the Authority of the Committee, until they shall be recalled.

20th. As a farther Consequence of this Change, the Office of Superintendant of the Khalsa Records has been abolished, and the Office of the Khalsa, with all its dependant Offices, and all the Functions and Powers appertaining to it, transferred to the Committee; who may be considered as constituting in Effect the ancient Office of Khalsa Sherita.

21st. The Canongoes have been ordered to be reinstated in the complete Charge and Possession of all the Functions and Powers which constitutionally appertain to their Office.

22d. Such of the Company's Servants as have been removed from their Offices in consequence of these Arrangements, we have permitted to draw the same Allowances as before, until they shall be appointed to other Offices, or until we shall think proper to withdraw this Indulgence.

23d. A Commission of Two per Cent. on all Nett Sums paid immediately into the Treasuries at the Presidency, and of One per Cent. on all Sums paid into the Treasuries which remain under Charge of the Chiefs and Collectors, on Account of the Public Revenue, in the Course of each Month, after deducting the Charges incurred in the same Month, has, on the passing of each Month's Account, been allowed to the Members of the Committee, their Secretary, and the Assistant of the late Superintendent of the Khalsa Records, in certain Proportions, as the Reward of their Trouble, which is to be considered in lieu of all Salaries, Emoluments, and Perquisites whatsoever. Mr. Duncan, who held the latter Office, we have appointed, with the Title of Preparer of Reports to the Revenue Department, to perform the same Duties, under the Authority of the Committee, and the occasional Orders of this Board, as he formerly did under the Superintendent of the Khalsa Records; the Nature of whose Office we had Occasion particularly to explain to you in our Letter of the 25th of November 1780; and as the several Duties therein specified will for the most Part be transferred to the Preparer of Reports, to be executed either under our own immediate Authority, or that of the new Committee of Revenue, the Services to be rendered by him will therefore continue equally necessary, as we have for some Years past found those of the late Superintendent of the Khalsa Records. As you have repeatedly, and by your latest Advices, pointed out Mr. Duncan to succeed to this last Office on the first Vacancy, we are happy to have placed that Gentleman in a Station as nearly similar to the one you intended for him, as the general Nature of our new Arrangements respecting the Khalsa would admit, and equally suited to our Experience of his Industry and Abilities.

24th. Mr. David Anderson has been appointed the President, and Mr. John Shore, Mr. Samuel Charters, and Mr. Charles Croftes, Members of the Committee of Revenue: And on their Admission to their Offices they each of them took an Oath faithfully to discharge the same; not to receive, directly or indirectly, from any Zemindar, Talookdar, Farmer, or other Landholder or Officer, or other Dependant of the Committee, any Present or Gratuity of any Kind whatsoever; nor to acquire or receive any lucrative Advantages by their Offices, but such as should be publicly allowed them by us.

Conf. 20 Feb.

25th. For the Instructions which we thought necessary to lay down for the Conduct of the Committee in the Detail of the Business of their Department, we must beg Leave to refer you to the Plan at large, of which a Copy goes a separate Number in the Packet.

Dr. 9 Dr.

26th. The Committee, in conformity to one of the Articles of our Instructions, shortly after they assembled, laid before us, Establishments for their own immediate Department, and such temporary ones as they judged necessary for the Chiefs of the Divisions and Collectors of the Districts. These are recorded on our Proceedings, accompanied with Two Accounts, the one shewing in general the Amount of the Reduction in the Charges, and the other specifying more particularly the Articles in which these Retrenchments have been made. The Establishments received our Approbation, and those for the Chiefs and Collectors took place from the Beginning of the Bengal Year 1188.

Dr. 6 h March.

27th. You will also find on the same Day's Proceedings, the Regulations prepared by the Committee in consequence of our Resolution to invest them with the Functions and Powers appertaining to the Office of the Khalsa, and Instructions to examine and report the present State of the Offices dependant on the Khalsa, proposing such Alterations as should appear necessary for making them answerable to the Purposes of their Institution: These also received our Approbation, together with a Proposal made by the Committee for obliging the Zemindars, Farmers, and Talookdars to be punctual in the Discharge of their Rents, at the stipulated Periods, by levying a per Centage on the Arrears; which we have ordered to be inserted as an Article in their Caboo-leats: On the other Hand, to encourage the Zemindars and other Renters to a ready Payment of their Rents, and to remove any Apprehensions they might entertain, that an additional Assessment would be levied from those who are regular in their Payments; we have authorized the Committee to declare to them, that no Increase of Revenue shall be exacted from such as discharge their Revenue with Regularity, but that they will be considered as entitled to the Favour and Indulgence of Government.

Dr. Dr.

28th. The Committee, in consequence of our Orders to consider and lay before us a Plan for the Settlement of the Revenues for the Bengal Year 1183, have delivered us one for that Purpose, formed on the following Principles:

Dr. Dr.

Dr. 5 Dr.

29th. In fixing the Amount of the Settlement, they propose, as the simplest and easiest Mode, to take the highest actual Collections that have been made in any one Year from 1178 to the present Time; and from an Examination of the Remissions since granted, and a Comparison of the Hultabood Accounts and the Receipts of other Years, to form a Judgment as to the Cause of the Decrease of the Jumma which has since appeared, passing a Decision, whether that Amount shall be continued, decreased, or increased; and with regard to the Mode of the Settlement, to leave the Lands generally with the Zemindars, making the Settlement with them, particularly in the larger Zemindaries, such as Nuddea, Radshahy, Dinagepore, &c.

30th. Where Women or Minors are Zemindars, they propose, to prevent the Confusion generally arising from this Circumstance, by fixing a Responsibility upon some Person to whom they can



constantly have Access, and upon whom they can enforce their Orders; and for that Purpose to join with them in the Management their principal executive Officer, either a Malzamin or Agent, who by annexing his Seal to the Agreement signed by the Zemindar, shall bind himself to pay up the Revenues, Kist by Kist; so that his own private Fortune being rendered responsible for the Public Revenue, it may be his Interest to manage the Affairs of the District with Attention and Economy, and to discharge punctually the Amount of the Monthly Kists.

31st. As several Divisions contain a Number of petty Talookdars, with whom a Settlement has been made by Government; the Committee propose, that such Divisions, and particularly such Parts of them as are now immediately under their Department, or are to be put under it, shall be let to Farmers, as they would otherwise be greatly embarrassed and impeded in their general Business, by entering into the Detail of a Settlement with a Number of petty Farmers and Talookdars. That for these, Publications be made, signifying that sealed Proposals will be received for the Farm of them; the Committee reserving to themselves, the Power of rejecting such Offers as they may deem inadequate, or such as are made by Persons who want Knowledge or Responsibility.

32d. They propose, lastly, that the Period of the Leases shall be limited to One Year; and that a Preference be given, at the Settlement of the next, to such Persons as shall have paid up their Rents, making an Engagement to this Effect on the Part of Government: And that the Settlement be formed by themselves in as many Cases as they can, leaving it in others with the Collector or the Officer of Government.

Conf. 30 March.

33d. The Whole of the Plan recommended by the Committee received our Approbation, except that Part wherein they propose, in some Cases, to leave the Detail of the Settlement with the Collector or the Officer of Government; in respect to which, we deemed it inconsistent with the Office of the Person who was to have the Collections of the Settlement, that he should have any Concern in the Formation of it. We therefore directed, that for such Districts as could not be immediately settled by the Committee with the Zemindars, or Agents deputed by them, Persons should be expressly deputed from the proper Offices, to form the Settlements upon the Spot, which should be also made, and finally concluded by themselves.

34th. It being our Desire to remove every Interference and Embarrassment from the present System of Controul, to render it uniform, and to afford every Relief and Ease both to the Ryots and to the Zemindars, which may be consistent with it, and conformable to the ancient Constitution of the Country, we have recommended it to the Committee to give all due Encouragement to such Applications as they may receive from the Zemindars, for the Payment of their Rents immediately to the Khalsa, for the Restoration of their ancient Jurisdiction, and the consequent Abolition of that of the Fouzdarry, and for the Settlement of a fixed Revenue during the Lives of the actual Incumbents; informing them at the same Time, that we shall expect from the Zemindars in return, an Increase of their Revenue proportioned to the Advantages which they will derive from this Indulgence.

Conf. 17 Feb.  
6 Mar.

35th. We have accordingly referred Two Petitions, some Time ago presented to us by the Rajah of Nuddea, the one applying to have the Phouzdarry Jurisdiction of his Zemindary entrusted to him, the other to pay his Rents immediately at the Khalsa, to the Committee of Revenue; with an Intimation that we were inclined to comply with both; but that as the Rajah would derive considerable Advantage from such Acquiescence, we should expect him to pay to Government some Consideration in return for so great an Indulgence. In complying with the latter of these Requests, we were actuated by the Desire expressed above, of fixing the Payment of as great a Part of your Revenue at the Presidency as possible; and in respect to the Fouzdarry Jurisdiction, by the Idea which you will find more fully expressed in a subsequent Part of this Letter, which treats of the Administration of Justice.

Conf. 30 March.

36th. Deeming the Duty of preparing the Monthly Audit of the Accounts of the Revenue Department, for the Member of the Council Auditor of the Week, by Mr. Croftes, our Accountant General in this Department, incompatible with his Office as a Member of the Committee of Revenue, we have delegated this Trust to Mr. Larkins, Accountant General to our General Department, so far as respects the Examination of the Treasury Account of that Committee, with Directions to lay before us a Monthly Report for the Audit of it. For the more particular Nature of this new Office, and the Motives which induced us to grant Mr. Larkins, as a Reward for the present and former Services which he has rendered the Company, the Compensation minuted on our Proceedings, we beg Leave to refer you to them as noted in the Margin, and doubt not of their meeting your Approbation.

37th. We cannot close our Advices of the Proceedings of this Department, without making some Observations upon the Nature and Design of its Institution; which its apparent Novelty, the liberal Endowments annexed to it, and the unavoidable Severity with which a Change so extensive and important in the Constitution of the principal Administration of your Affairs, has fallen on the Interests of Individuals, may render necessary, to obviate any possible Misconception of it to our Prejudice in your Opinions.

38th. We shall not be surprized if we find it imputed to the Love of Innovation; a Charge which has been frequently laid against your Administration of these Provinces, and which we conceive to be unavoidable in a great Government which, like this, has been suffered so long to exist on Expedients in default of a fixed Constitution. In such a State, every Change of Influence must be productive of a Change of Measures, whether dictated by Caprice, Self-Interest, or Integrity; and the

the Influence of the latter must yet operate to the Introduction of many more and greater Improvements before this Government can attain that Degree of Perfection, or your Property in it that permanent Value, of which we think it capable. Though such is our Opinion of Innovations in general, and we mention it only that we may not be supposed to condemn the Principle in other Instances by the Disavowal of it in one; yet we must declare, that in no Act of our Administration have we observed a greater Consistency, or a closer Attention to fixed Principles, than in this. The System which we have thus attempted to establish, *was first devised by the President and Council of this Presidency in the Year 1773, and made a Part of the same Resolution, which distributed the Charge of the Collections among the late Provincial Councils. These Establishments were declaredly formed for the Purpose of introducing the former, and were intended to be gradually withdrawn, as Experience might render them no longer necessary. The Committee itself was immediately formed, and, to give it the greater Dignity, Two Members of the Superior Council were appointed to superintend it; although it then differed only in Name from the other Provincial Councils, and its destined Functions were reserved for a future Arrangement.*

39th. Why this Design failed in its Effects, and the Provincial Councils were permitted to remain during so long a Course as Seven Years, in Contradiction of their professed Institution, it is unnecessary to mention. It is sufficient to say, that the Necessity for reverting *to the original System*, if its Principles were just, was never so great as it was at the Time in which it took place, and in which the Preservation of the Company's Interests, in every Part of India, depended upon the Resources of this. We may add, that had the same Necessity existed at any preceding Time, the Change could not have been effected. We have now resolved to carry it into Execution, and shall be content to leave the Proofs of its Utility to a short Trial; but it will rest with your Wisdom to give it Permanency, by correcting its Defects, *and by obtaining the Sanction of Parliament for its Duration, under the Form which shall be ultimately given to it.* With respect to the Institution itself, it is essentially and almost minutely the same as the Plan which was laid down for it in Consultation of the 23d of November 1773; to which we beg Leave to refer you, and for that Purpose, to transmit a complete Copy of it a Number in this Packet.

40th. The Allowances granted to the Members of this Board, if compared with the ostensible Emoluments which have been annexed to other Offices of this Service, will appear enormous; and the Principle on which they are formed is in its Application new, though not in Speculation; neither is this the first Instance of it. Our Aim has been to preclude all clandestine Perquisites, to bind the Zeal and Fidelity of your Servants, entrusted with this great Charge, by the Ties of Gratitude and Honour, and to make their Interest subservient to yours by proportioning the Rate of their Official Emoluments to the Success of their Official Labours, or in other Words, to the Augmentation of the Public Revenue and the Diminution of its Expences. We wish to apply the same Principle to every other Department of your Service which will admit of it; and we entreat, that you will afford us your Credit for the Justice and Expediency of it, on the Motives which we have thus briefly stated, without expecting that we should have entered into a more minute but invidious Explanation of them.

41st. In this, as it must be the Case in every Reformation, the Interest of Individuals has been our principal, if not our only Impediment. We could not at once deprive so large a Body of our Fellow Servants of their Bread, without feeling that Reluctance which Humanity must dictate; not unaccompanied perhaps with some Concern for the Consequences which our own Credit might suffer by an Act which involved the Fortunes of many, and extended its Influence to all their Connections.

42d. This, added to the Justice which was due to your Servants who were removed for no Fault of theirs, but for the Public Convenience, induced us to continue their Allowances until other Offices could be provided for them, *and the more cheerfully to submit to the Expediency of leaving others in a temporary or partial Charge of the internal Collections.* In effect, the Civil Offices of this Government might be reduced to a very scanty Number, were their Exigency alone to determine the List of your Governed Servants; *which at this Time consists of no less a Number than Two hundred and Fifty-two, many of them the Sons of the first Families in the Kingdom of Great Britain, and every one aspiring to the rapid Acquisition of Lacks, and to return to pass the Prime of their Lives at Home, as Multitudes have done before them. Neither will the Revenues of this Country suffice for such boundless Pretensions, nor are they compatible with yours and the National Interests, which may eventually suffer as certain a Ruin from the Effects of private Competition, and the Claims of Patronage, as from the more dreaded Calamities of War, or the other ordinary Causes which lead to the Decline of Dominion.*

43d. We dare not pursue this Subject; nor could we, without a Sacrifice of our Duty, withhold this brief Suggestion of it from your Notice.

Extract of Postscript, dated 15th May 1781.

We have just received a Letter from the Committee of Revenue, containing a summary Report of their Progress and Expectations, in concluding the Settlement of these Provinces for the present Bengal Year 1188, accompanied with Two Accounts, the one, a Comparative Statement of the past and present Year's Expence of collecting your Revenue, which exhibits an estimated Saving of Rupees 12,09,673. 11. 12. by the proposed new Establishments for the latter; the other, a List of such

each Districts as the Committee have already completely settled; by which you will observe, that an Augmentation has been made upon the Settlement of 1187, of Rupees 13,98,196. 14. 10. 3.; and that when the Settlement of all the Districts shall be completed, they are of Opinion the whole Increase on the Revenue of last Year will not fall short of Twenty-seven Lacks of Rupees. We transmit a Copy of the Committee's Report, and of the Papers accompanying it, a separate Number in this Packet, and request your particular Attention to them, as containing a very explicit and satisfactory Information of the actual State of the Collections, as well as of the Sentiments entertained, and Measures proposed, by the Committee, in respect to their future Management of this very important Branch of your Concerns.

Your Committee thinking it necessary to examine such Witnesses as appeared to them most competent to give full Information upon those Subjects, summoned Major Scott, Mr. Francis, Mr. Harwood, and Mr. Baber; whose Examinations, and also the Examination of Charles William Boughton Rouse, Esquire, a Member of your Committee, are here inserted.

Major John Scott being examined, was asked, Whether he has any Advices from the Governor General, respecting the new Arrangements made in Bengal, relative to the Collection of the Revenues? he said, He has, and will lay them before the Committee—Being asked, Whether this new Arrangement was in consequence of any Orders from the Court of Directors? he said, Certainly not, nor was it, to his Knowledge, previously communicated to the Court of Directors before it was put in Execution—Being asked, Whether the Governor General assigned any Reason to him, why he did not communicate this Arrangement to the Court of Directors previous to its being carried into Execution? he said, No—Being asked, Whether the Constitution of the Country Courts in the Year 1772 was not formed by the Council of which Mr. Hastings was President? he said, Yes—Being asked, If he knew whether the Court of Directors approved that Plan? he said, He cannot tell positively.

Being asked, Whether he knows what had been the Orders of the Court of Directors, regarding the internal Government and Administration of Revenue in the several Provinces of Bengal? he said, He does not—Being asked, Who formed the Plan of Provincial Councils? he said, He believed Mr. Hastings—Being asked, Whether that Plan was confirmed by the Court of Directors? he said, He does not know; but he conceives the Governor General and Council are competent to form any Plan for the Collection of the Revenues—Being asked, Whether, at the Time the Plan of the Provincial Councils was communicated to the Court of Directors, it was stated as a temporary Scheme or a permanent Establishment? he said, He does not know; but refers to the Records of 24th November 1773.

The Committee then representing to Major Scott, That as they do not find the Matter explained in the Minute to which he refers, they desired him to explain how the Establishment of Six Provincial Councils, with various subordinate Collectors and Officers under them, could be intended to introduce gradually a permanent System, which must be created by a total Abolition of those Councils? he said, He could not explain it—Being asked, If his Instructions enable him to say, whether the Plan now formed by the Abolition of the Provincial Courts, is that permanent System intimated in the Consultations of November 1773? he said, He has laid before the Committee an Extract of that Part of Mr. Hastings's private Letter (Appendix, N° 8) and all the Papers which relate to this Plan, which he has received—Being asked, Whether there has not been a very large Expence incurred at the several Stations of the Provincial Councils, in providing Houses and other Accommodations for the Officers of those Departments? he said, He does not know; but he should suppose they had, if they did not receive a monthly Allowance—He was then asked, Whether he can state any Cases where those Grants of Expences have been restrained by an Idea that those Establishments were only meant to be temporary? to which he said, No, he cannot—Being asked, Whether the present Plan is not a sudden and total Innovation? he said, He thinks it is—Being asked, Whether he can state to the Committee any Measures of the Government, at any Period since the Year 1773, the Tendency of which Measure was to introduce the present Plan by a gradual Change, as stated in the Consultations of 5th May 1781, rather than a sudden Innovation? he said, No, he cannot: From the Arrival of General Clavering, Colonel Monson, and Mr. Francis, on the 19th October 1774, to the Death of Colonel Monson in September 1776, he looks upon Mr. Hastings's Power to have been effectually annihilated; and that he was a nominal Member of Government from that Period to the Month of November 1780. The constant Report of an entire Change in the Government of Bengal did, he believes, induce Mr. Hastings to defer carrying the present Plan into Execution—Being asked, Whether a Person who is out-voted in any Question, is a mere nominal Member of Government? he said, Not as it may happen sometimes; but where the Members composing the Government are divided into Two decided Parties, he does look upon the Minority as nominal Members of Government—Being asked, Whether that Division of the Council General into Parties, is the Reason why the Provincial Councils have been allowed to remain Seven Years? he said, He believes so; but he has no Authority from Mr. Hastings for saying so—Being asked, Whether the Governor General did abstain from proposing any other Plan during the Period of Party, or during the Period of Rumours? he said, He cannot particularize them; but he has heard him say he had—

Being

Being asked, Whether he knows any thing of a Plan sent Home in 1775, of which the Provincial Councils formed a Part? he said, He does not: He has heard of such a Plan; but does not understand the Subject—Being asked, Whether he has ever heard of a Paper, dated in April 1775, and signed by Mr. Hastings and Mr. Barwell, conveying an express Declaration of their Opinions, that no Plan could be devised so good as Provincial Councils? he said, He does not recollect it—Being asked, Who composed the Majority of the Council at that Time? he said, General Clavering, Colonel Monson, and Mr. Francis—Being asked, If he knows whether the Court of Directors have ever sent any Orders to the Governor General and Council not to dissolve the Provincial Councils, or to establish any other System in that Place? he said, He does not—Being asked, Whether he knows of any Objections which have been stated against the Provincial Councils, more than what appears in the Consultation of 5th May 1781, which he has delivered in to the Committee? he said, He does not—Being asked, What particular Exigency of Affairs required the sudden Dissolution of the Provincial Councils, without consulting the Court of Directors? he said, It is stated, that it will be a Saving to the Company—Being asked, Whether it was not stated at the Time they were formed, that there would be a Saving and Increase of Revenue, arising from the good Management to be effected by those Provincial Councils? he said, He refers to the Minute of the 23d of November 1773 (Appendix, N° 1.)—Being asked, What may be the Number of Company's Servants who will be thrown out of Employ by their Abolition? he said, He does not know, but he believes about Forty or Fifty: Mr. Hastings says, he has provided for several of them in other Departments—Being asked, Whether those Offices existed before, or had been created to satisfy the Servants removed from their Stations? he said, Not created for such a Purpose. Mr. Hastings mentions Courts of Justice to be established at equal Distances throughout the Provinces as making Part of the new System—Being asked, Whether the Number of subordinate Courts of Justice has been multiplied? he said, He will bring the Papers relative to the Establishment of the Courts of Justice before the Committee—Being asked, Whether any Estimate was made of the Expence of continuing to the Provincial Councils their Salaries after their Recall from their Offices? he said, He does not know; he has no Estimates but what he has laid before the Committee—Being asked, Whether, before the Abolition of so many Offices as would leave Forty or Fifty Servants without Employ, any Representation was made to the Court of Directors upon the Expediency of lessening the Number of their Annual Appointments? he said, Not that he knows of—Being asked, Of what Standing in the Service were the Gentlemen thus removed from their Offices? he said, From Four or Five to Twelve or Thirteen Years—Being asked, Whether in chusing the Members of the new Committee of Revenue at Calcutta, a Preference was given to the Senior Servants of the annulled Establishments? he said, No, he believes not; but the Gentlemen appointed are, he believes, very generally esteemed Men of very great Abilities and Integrity; and if the Senior Servants had been appointed, the Choice might have fallen upon Men not so well qualified in other Particulars—Being asked, Whether the Gentlemen who stood high in the Provincial Councils were esteemed defective in Abilities or Integrity? he said, He does not know that they were—Being asked, Whether he knows of any Complaints against them? he said, There were some Complaints from Patna against Individuals, he believes; but of what Nature he does not know—Being asked, Whether there was against any other Council? he said, Not that he knows of—Being asked, Whether any Representation was made by the Natives, or British Subjects, or King's Judges, of the Defectiveness of that Institution? he said, Not that he knows of—Being asked, If no Remonstrance was made upon public Grounds, nor Complaints against Individuals, what is the Reformation supposed by the Forty-first Paragraph in the General Letter of the 15th May 1781, to be effected by the Change? he said, He conceives it to be the great Increase of Revenue, which it is stated will arise from this new System, calculated for this Year at Thirty-nine Lacks of Rupees—Being asked, If Augmentation of Revenue does always imply Reformation? he said, He does not know—Being then asked, Whether projected Augmentations of Revenue in Bengal usually produce real Augmentations? he said, He cannot positively say: Mr. Hastings, when he came to the Chair, did make several Reforms; and he should suppose they had a very good Effect—Being asked, If he knows whether this Arrangement was made in Council or by Circulation? he said, He should suppose in an actual Meeting of the Members, after much Deliberation; Mr. Wheeler fully concurred in the Plan, as Mr. Hastings informs him—Being asked, What Reason Mr. Hastings assigned for not sending a Copy of that Consultation? he said, The Revenue Packet was put on Board the Neptune bound for Europe, and when Mr. Hastings wrote his Letter to him, he did not know that the Neptune would return into Bengal River, he has therefore assigned no Reasons.

Being asked, Whether Mr. Hastings is of Opinion, that it is the Duty of a Governor General not to propose in Consultation such Plan as he shall think expedient and necessary for the Company's Service, upon a Presumption that he shall be out-voted upon the Question? he said, No—Being then asked, Whether great Advantages do not happen from making Proposals which may be rejected, as the Company may thereby come to a timely and perfect Knowledge of them by the Reasons entered in Consultation? he said, Yes—Being asked, Whether the supposed Reduction of a Governor General to a nominal Member, by his being out-voted, does not equally apply to any other Member of the Council in the same Circumstance? he said, Undoubtedly—Being asked, What Steps were taken by Mr. Hastings on the Complaint against a Member of the Provincial Council at Patna? he said, He did not know—Being asked, Whether Redress could not be given upon that Complaint without abolishing the Provincial Councils? he said, He should suppose so—Being asked, Whether the

Office of Superintendent of the Khalsa Records is not an Office of high Trust in the Revenues, and which is supposed to require a very considerable Knowledge of that Branch? he said, He believes so—Being asked, Who held that Office? he said, Mr. Ducarell—Being asked, Whether he was supposed, by his Knowledge and Integrity, to be competent to the Execution of his Duty? he said, Very fully so; he has always heard the highest Character of Mr. Ducarell; that he believes he had been in that Office Four Years, and was confirmed in it by the Court of Directors—Being asked, Whether he was removed at his own Desire? he said, He does not know; but he should imagine that he is better pleased with his present Appointment, which he understands to be Collector of the Revenues of Burdwan—Being asked, Whether he has signified this to him in any Letter which he has received from him? he said, No; it is Matter of Opinion—Being asked, Whether the Office of Collector of Burdwan is higher in Rank than that of Superintendent of the Khalsa Records? he said, He should think it is—Being asked, Whether it is a permanent Office? he said, As permanent as any other Office in the Service—Being asked, Whether any Reason has been assigned, why, upon the Appointment of a new Committee of Four Persons for the general Superintendance of the Revenues, so experienced an Officer, and of so good a Character, was not appointed a Member? he said, Not that he knows of—Being asked, Whether all the Members of the new Committee were more experienced in the Collection of the Revenues than Mr. Ducarell? he said, He dare say not more experienced—Being then asked, Whether they were as experienced? he said, He really cannot tell—Being asked, Who nominated the Four Members of the Committee? he said, The Governor General and Council—Being asked, What was Mr. Croftes's Office before the new Arrangement took place? he said, Accountant General of the Revenue Department, and Sub-treasurer—Being asked, Whether that is an Office that requires strict Attention and much Labour? he said, He should suppose it did—Being asked, Whether he is instructed with the Reason why he was preferred to another Office of great Trust and great Labour, whilst he continued to hold the first Two great Offices? he said, He is not.

Being asked, Whether he has got a Copy of the Seventeen Paragraphs which precede the 18th, of a Revenue Letter from the Governor General and Council, of the 15th of May 1781? he said, He has given Copies of all the Revenue Papers transmitted to him—Being asked, Whether Mr. Hastings has assigned any Cause why he has not transmitted to him the Seventeen Paragraphs? he said, He has not; he understands Mr. Hastings has transmitted all the Paragraphs respecting the new Arrangement—Being asked, What Reasons has Mr. Hastings assigned for executing this great Change without previously consulting the Court of Directors, agreeably to their Orders and Instructions? he said, No other than what are contained in the Extract of his private Letter to him, which is already before the Committee.

Your Committee then examined Philip Francis, Esquire, late a Member of the Council General of Bengal; who being asked, Whether Mr. Hastings communicated to him, before his Departure from Bengal, his Determination to make an entire Change in all the Revenue Establishments, and in the Administration of Civil and Criminal Justice throughout the Provinces? he said, No—Being asked, Whether there was any Preparation made, by previous Enquiry, to ascertain the Advantages or Disadvantages of such a Change? he said, No such Enquiries were made before his Departure, to his Knowledge—Being asked, Whether any Complaint had been transmitted by the Natives to the Governor General and Council, complaining of these Establishments as burthenfome or insufficient for their Duty? he said, No—Being asked, Whether there were any from the Provincial Councils themselves? he said, No—Being asked, Whether there were any from any of the Company's Covenanted Servants? he said, No—Being asked, If Mr. Hastings had proposed to him any Defects in these Institutions, would he have opposed any Plan for a Reformation of them? he said, Certainly not; it is probable that we should have thought, that the Time at which this Change has been made improper: But he did never oppose the Institution of Provincial Councils; the Institution was formed by the Government which immediately preceded the Appointment of the Governor General and Council, and has been repeatedly recommended to their Confirmation, and to that of the Court of Directors, both by Mr. Hastings and Mr. Barwell; and he begs Leave to refer to the Three Paragraphs in the Minutes of Mr. Hastings and Mr. Barwell, recorded in the Consultations of the 24th October 1774, the 12th of April 1775, and the 18th of January 1776, on this Subject—Being asked, Whether the Court of Directors have sent any Orders not to dissolve the Provincial Councils, or to establish any other Institution in the Place of them, for the Collection and Management of the Revenues, without their previous Consent and Approbation first obtained? he said, Yes, they have, in their Letter of the 5th of February 1777 (Appendix, N° 9.)

Mr. Francis was then asked, Whether he thinks that the sudden Dissolution of the Provincial Councils, and transferring their Charge and Powers to a Committee of Revenue to be held at Calcutta, is likely, in the first Instance, to be attended with good or evil Consequences in the Collection of the Revenues? he said, All Innovations in the Mode of collecting the Revenues, as far as his Knowledge goes, have been attended with immediate Increase of Expence on one Side, and of Loss on the other; but this Disadvantage may possibly be balanced with future Advantages—Being asked, What he thought would be the Consequence of leaving a temporary Chief of each Council, his Council being removed, and he himself shortly expecting a Removal? he said, He is not sufficiently Master of the late Plan, to know what Mr. Hastings's Reasons were for having a Chief, who it appears was afterwards to be recalled; nor is it possible for him to judge what the Conduct of such



such a Chief so circumstanced might be in that Interval—Being asked, Whether the Council General had received any Complaints of corrupt Practices in the Members of the Provincial Councils? he said, Not that he recollects, except that a little Time before he left Calcutta, when Mr. Booth brought a Charge of this Nature against some of the Members of the Patna Council, but he did not make it good, and he thinks he left Calcutta without Leave, while the Question was depending before the Board—Being asked, Whether the Council General has not a Power to receive such Charge, or to enquire upon Suspicion, without making any Alteration in the Constitution of the Councils? he said, Undoubtedly they have—Being asked, Whether there have been Complaints to the Governor General and Council, of the corrupt Administration of Justice, by the Provincial Councils in their Provincial Adawluts? he said, He does not remember any, except Nadara Begum's Case (Vide Patna Case, and Appendix, in the Judicature Report of last Session)—Being asked, Whether any Complaints of Corruption were made to the Governor General and Council in the Fouzdarry Jurisdiction, as exercised under the Naib Subahs? he said, He does not recollect a single Instance—Being asked, If any material Complaint had come to the Knowledge of a Member of the Council, it would or would not have been his Duty to bring it before the Board? he said, He thinks it would—Being asked, Whether he considers the Fouzdarry Jurisdiction as a very expensive Establishment? he said, By no Means, when compared with its Services and Duties—Being asked, Whether he thinks it would be as well supplied by giving to every Zemindar a Fouzdarry Jurisdiction within the Limits of his Zemindarry? he said, If a Criminal Jurisdiction be meant, he cannot conceive that such a Trust can be vested in the Zemindars, especially in the State to which they are now reduced, without a Danger of the greatest Abuses; there are certain Duties of Police which anciently belonged to the Zemindars, and which it would be very useful to the Peace of the Country if they were still obliged to perform; he also thinks that a Jurisdiction over petty Offences might be committed to them with Advantage, for the Peace and good Order of the Country; but if it is meant that they should exercise the Jurisdiction of the Subah or Naib Subah, he deems it a dangerous Measure—Being asked, Whether the Zemindars might derive, from an uncorrupt Use of Criminal Jurisdiction, such pecuniary Advantages as would enable them to make very considerable Advances in their Rents? he said, No; and he should deem it highly improper in Government to make a Grant of such Powers a Condition of Increase of Rent—And being asked, Whether he thinks it probable that the Appointment of a single English Gentleman to administer the whole Civil and Criminal Justice of a great Province in that Country, subject to the Revision of a single Judge of Sudder Adawlut in Calcutta, a likely Mode of correcting Abuses in Civil and Criminal Jurisdiction, as they were formerly exercised? he said, He does not know how it tends to produce that Effect.

Mr. Francis was then asked, Whether he understood, that in former Periods the Zemindars have been invested with Criminal Jurisdiction? he said, It is stated in one of the Reports of the Committee of the House of Commons in 1773, that by the Constitution in Bengal, the Zemindar presided in the Criminal Court of his District, and pronounced and executed Sentences in all Offences less than Capital. In the Course of a Debate at the Council Board, on the Appointment of Mahomed Reza Cawn to the Office of Naib Subah, in October 1775, the above Proposition was stated by General Clavering, Colonel Monson, and himself, in the Terms mentioned by the Committee; the Truth of which Proposition was absolutely denied by Mr. Hastings, who said, in his Reply, that he could pronounce with Confidence, that the Zemindars had no such Jurisdiction, nor any other, except where the Non-payment of the Rents was concerned. The Result of later Enquiries has in some Degree satisfied him, that whatever Criminal Jurisdiction was exercised by Zemindars, it did not go much beyond petty Offences; he believes it did not extend to Life or Limb. On these Points, however, Mr. Francis said, he did not presume to speak positively—Being then asked, Whether he understood the detestable and authorized Exactions, stated by the Bengal Government in 1772, and entered in the Report he has alluded to, relate to the Mahomedan Officers of Criminal Jurisdiction, or to the Criminal Courts held by the several Zemindars, by Abuse called Fouzdarry Courts? he said, Fouzdarry Courts are properly Mahomedan Courts for the Trial of Crimes. The Secret Committee assert, that the Zemindar, or Rajah of the District, presided in them, and that every Fine imposed by Authority of these Courts, was a Perquisite of the Zemindar himself, by virtue of his Tenure of the Lands. This he supposes made Part of the Exactions stated in the Question—Being asked, Whether Representations have ever been made to the Governor General and Council, of Collusions supposed to exist between Zemindars and public Robbers? he said, Yes, he has known it represented, that the Zemindars in the Province of Dacca were in Collusion with Robbers (called Decoys) and even employed them. In former Times, the Zemindars were answerable for Robberies committed within their Zemindaries. When the farming System was introduced, the Zemindars were relieved from this Responsibility, as well as from the Performance of several other Duties essential to the good Order of the Country.

Being asked, Whether all the Departments conducted at the Presidency are not more particularly under the Controul of the Governor General, and especially those in which Natives are concerned? he said, Such Controul is no where specifically given by the Act appointing the Governor General and Council; but it naturally, and almost necessarily, in many Cases, devolves upon his Station, as the executive Magistrate of the Government—Being asked, Whether all Acts of Government and Correspondence with Natives, in any Country Language, are not signed by the Governor General only? he said, Yes—Being asked, Whether, whilst the Provincial Councils existed, the Governor General, or any Member of the Council General, could carry on improper Practices in the Districts, without the



the Probability that it might come to the Knowledge of some Member of the Provincial Council? he said, He thinks not—Being asked, Whether the Abolition tends to draw more Power and Influence into the Hands of a Governor General, with the Removal of many Checks which formerly existed? he said, The whole Power and Office of the Provincial Councils seems to be contracted into a small Compass, and vested in Four Persons; they even have the Power of the Government delegated to them. Supposing then, that such a Committee was under the Influence of a Governor General, or any other Member of the Government, they might become an easier and more effectual Instrument of Power in his Hands, than could be obtained over a greater Number of Committees or Councils—Being asked, What are the Number of the Provincial Councils, and the Servants dependant on their Establishment? he said, The Six Provincial Councils, he believes, might have consisted of about Forty Members when he left Bengal, and their Assistants might have amounted to as many more; besides these Provincial Councils, there were some separate Collectors, who had Assistants; in all, he imagines about One hundred—Being asked, Whether he has understood that the Provincial Councils have held their Stations with little or no public Duty to employ them? he said, As long as they performed the Duty belonging to the whole Zillah or Division, they have Business enough; but it is true, that in the Year before he left Bengal, some of them had little to do, owing to the Circumstance of their Districts having been divided into separate Collectorships; while the whole Council was left with the Management and Conduct of the smallest Part of the Collections: This was the Case particularly at Burdwan and Dinagapore. Some considerable Collectorships were also separated from the Patna Division—Being asked, Whether that would have been the Case if the Provincial Councils had been preserved in the Manner they were proposed to the Company, on their Institution in 1772? he said, All those Collectorships are undoubtedly Deviations from the original Plan of Provincial Councils; he never heard the contrary asserted—Being asked, Whether he does conceive that a single Board at the Presidency would be better qualified to conduct the accumulating Business of the several Establishments now annulled? he said, If, in Addition to the Abolition of the Councils, the Chiefs also are to be recalled, he should imagine that the Committee of Revenue at Calcutta will find their Office more laborious than they can duly execute; but in this Respect much will depend on collateral Arrangements—Being asked, whether the Situation of Calcutta renders it particularly convenient to have the Powers of Government center there? he said, The Situation of Calcutta, as a Seat of Government, is inconvenient; it is not in a central Position—Being asked, Whether there is not a peculiar Intricacy and Obscurity in the Revenue Accounts of that Country? he said, There certainly is; the Accounts of a Ryot, who perhaps cultivates but Ten Acres of Land, are beyond Measure voluminous.

Being asked, Whether the same Rules and Regulations, the same Standards of Decision, the same technical Language in Matters of Finance, and the same Currency of Money, prevail alike in all the Provinces and Districts, or is each subordinate District marked by Peculiarities of its own? In these several Instances, he said, he believes that in these Articles there are great Variations in different Parts of the Country—Being asked, Whether he thinks it would be possible or easy to subject the Perception of the Landed Revenue, and all the Imposts which belong to it, to a simple and general Rate of Assessment, without local Exceptions and Modifications? he said, He should think not—Being asked, Whether these Circumstances do not render it necessary to have British Subjects stationed, on Behalf of Government, in the several Districts? he said, If native Officers could be trusted, they might do the Business; or if the Jumma, or Amount of each Zemindarry, was once unalterably fixed, then he conceives that it would not be necessary to employ Europeans, or not in the Numbers in which they have been employed, in the Districts—Being then asked, Whether any Enquiry at the Board, concerning the State, Condition, and Conduct of the Provincial Councils, was instituted, or any Papers called for at the Board, to throw a Light upon that Subject, before he left Calcutta? he said, No—Being asked, Whether the Board, when he left Calcutta, was competent to the Execution of its Duties in the Revenue Department? he said, Those Duties had been constantly executed by the Board for Six Years, whilst he belonged to it, and he believes they were, or might have been, executed with sufficient Exactness—Being asked, Whether the Delegation of that entire Duty, with all its Powers, to a Committee of Four Persons, does tend to make the Governor General and Council better acquainted with the Nature of the Revenue, so as to prevent all Mismanagement in it? he said, It appears to him to have the opposite Tendency; the Board now will not have the Revenue Business before them so constantly and regularly as they had heretofore; they will not be called upon for Decisions in Revenue Questions, except upon particular References; the ordinary Business will be conducted without their Interposition, and probably without their Knowledge: It depends upon the Temper and Inclination of the Members of the Council General, to give such Attention to their Proceedings, as may make them Masters of the Business—Being asked, Whether if the Board should, for a considerable Time, omit an Inspection of the Revenue, confiding in the Committee, it would not disqualify them from the Execution of their controlling Powers with Judgment and Effect? he said, It would have that Tendency; the Board would gradually lose the Thread of Revenue Business, and after any considerable Interval, would find it difficult to recover it—Being asked, Whether the not entering Dissents upon the Proceedings of the Committee, has a Tendency to make the Council General better acquainted with the Merits of the Questions debated at their Board? he said, If the Members of the Committee, where any of them may disapprove of a Resolution, are not at Liberty to enter their Dissents on the Face of the Consultations, or if they are discouraged from doing so, it follows, that the Members of the Supreme Council,

Council, who might be inclined to examine their Proceedings, will be precluded from a principal Source of Information: They will only see the final Resolution taken, supported, perhaps, by Arguments *ex parte*, and know nothing of the Objections which might have been made to it—Being asked, Whether it will tend to give the Court of Directors a true Knowledge of the Principles on which the Revenue is managed, and of the Adherence of their Servants to their Orders? he said, If it tends to make the Revenue Business obscure to the Members of the Council General, as he thinks it does, it must produce that Effect in a still stronger Degree with the Court of Directors—Being asked, Whether the sole Privilege in the President, of preparing Materials in the Interval of the Meetings of the Revenue Committee, may not have a Tendency to put the Result of the Deliberations very much in the Power of the President? he said, If the preparing of Materials be exclusively vested in the President, he may derive from thence an Influence over the Deliberations of the Board.

Being asked, If he knows whether the Idea of dissolving the Provincial Councils, if ever entertained as Part of their original Plan, was followed up or abandoned by Mr. Hastings and Mr. Barwell? he said, He knows of no Steps taken, or Declaration made, by them, tending to the Abolition of the Provincial Councils; he has already stated to the Committee some strong Declarations made by them, which appear to him to have a contrary Tendency.

Being asked, What Steps were taken from November 1773 to December 1780, to make the Abolition of the Provincial Councils an easy and gradual Change? he said, None—Being asked, Whether from his Knowledge of the Country he can conceive for what Purpose the Chiefs are to be continued in their respective Districts by Mr. Hastings's new Plan? he said, Their Continuance is said to be temporary; but it is not explained in the Letter from the Governor General and Council, for what Purpose they are continued; nor has he any Materials to enable him to judge of it, unless it may be possibly to compleat the Collections of the Bengal Year then expired—Being asked, Whether he thinks, from his Knowledge of the People of Bengal, that an English Gentleman, left alone in a Province, with a public Certainty that his Office was soon to be annulled, would be able to conduct the Public Business with Success and Efficacy? he said, He is of Opinion there would be an End of his Authority in the District, unless in any particular Instance it was known he had the Favour and Countenance of Government, and was destined for some higher Employment—Being asked, Whether he thinks it is the Wish of the Zemindars to have all the British Subjects removed from their Districts? he said, He cannot positively say; but he is inclined to think they would not be dissatisfied to have the entire Management of the Districts in their own Hands—Being asked, Whether he has ever heard that the Zemindars expressed their Wishes to purchase such an Exemption from the Controul of Government? he said, Yes; and he has no Doubt but all the great Zemindars would readily pay a large Sum for it, if they were able—Being asked, If he thinks it would be safe for the Government to allow such an Exemption? he said, He does not think it would be perfectly safe to leave the Zemindars without some European Controul over them, that should observe their Conduct—And being asked, Whether the present State of the Revenues of Bengal renders it more particularly unsafe at this Time? he said, If the Measures were proper at any other Period, he should deem it particularly inexpedient and impolitic at the Time when it was adopted; the Government was involved in Wars, and the Country was threatened with Invasion; and it may be proved, by many Examples, that the Natives of those Provinces have constantly withheld their Revenues as far as might be in their Power, when the Government was involved in Difficulties: It was in our unanimous Declaration to the Court of Judicature, made in March 1780, that the Governor General and Council have asserted, that in case of an Invasion, no further Collection of the Revenues could take place, unless with the Assistance of a Military Force (vide Report of last Session, Cossijurah Appendix, N° 24)—Being asked, Whether, when any Attempts have been made by neighbouring Princes to invade Bengal, it does appear that the Zemindars have been made the Instruments of accomplishing such Purposes? he said, He has constantly understood that they began with endeavouring to gain or seduce some of the principal Zemindars—Being asked, Whether many Zemindars, particularly those on some of the Frontiers of our Possessions, possess very extensive Tracts of Country? he said, Yes—Being asked, Whether they are not generally Hindoos? he said, He believes there are but few Mahomedan Zemindars in the Country—Being asked, Whether there are not some powerful Hindoo Zemindars on our Frontier contiguous to the Maratta State, with whom we are now at War? he said, There are the Rajahs of Beerbhoom, Pachete, Bissempore, and Burdwan, who lie West of the River Houghly, and would be first exposed to the Excursions of the Marattas, and whom he thinks would be likely to join them—Being asked, Whether the withdrawing the immediate Controul from the Zemindars might not enable them to prepare for Resistance with more Efficacy? he said, He thinks it has a Tendency to strengthen their Power, whatever it may be, and to conceal their Designs.

Then Mr. Hastings's Plan for the Regulation and Institution of a Committee of Revenue was read: And

Mr. Francis said, In a formal Plan, proposed by Mr. Hastings and Mr. Barwell, for the Administration of Justice, on the 18th of January 1776, and which they recommended to be established by an Act of the Legislature, the Continuance of the Provincial Councils is expressly provided for: They are to form Courts of Civil Judicature, next in Rank and Authority to the Sudder Dewanny Adawlut, or Superior Court; and this Part of the Plan is said "to have for its Groundwork the Plan which was formed by the late President and Council in August 1772, with the Alterations since made to it in December 1773, on the Establishment of the Provincial Councils."

The same Plan further recommends “ that the following Courts shall be established for the Administration of Criminal Justice; viz.

- “ 1. The Nizamut Sudder Adawlut :
- “ 2. The Courts of Fousdarry Adawlut :

“ And that these Courts be formed precisely on the Mode and Form established by the Plan formed by the late President in August 1772, and intituled, *A Plan for the Administration of Justice.*”

Mr. Francis was asked, Whether he knows how much Two per Cent. upon the Collection of all the Revenues paid at the Treasury at Calcutta, will amount to? he said, It is impossible to tell until the whole Establishment is fixed, and the respective Amounts ascertained of the Revenue paid directly at Calcutta, or collected separately in the Districts—Being asked, Whether it would be equitable or prudent to take from the Zemindars the Remissions in their Payments, granted on account of Religious Ceremonies, in order to improve the Revenue? he said, He thinks not, provided the Charge on this Account be not unreasonable or excessive, and provided the Money be really applied to the Purposes intended—Being asked, Whether he thinks it is equitable or politic to resume the Pensions granted to Natives of Rank, or in Consideration of Public Services? he said, In general he thinks not; he should be particularly tender of old Grants—Being asked, Whether if the Collection and Management of the Revenues in the several Provinces is left in the Hands of Chiefs, and that Assistants are appointed to them, such Assistants ought to be chosen from amongst the Company’s Servants by the Chiefs themselves? he said, They were always appointed by the Governor General and Council; but he believes an Attention was had to the Recommendation of the Chief—And being asked, Whether he thinks it was proper to give a Preference to Military Paymasters? he said, The Reason of the Preference does not appear to him.

Mr. Francis being asked, Whether he thinks the Company’s Investments could be made without any Preference or Right of Pre-emption exercised over the Manufacturers? he said, It will appear from various Opinions of his, stated in the Company’s Records, that the Principle he constantly maintained was this, That the East India Company, in their mercantile Capacity, should go to Market for their Investments with no other Influence or Advantage than that which the superior Weight of their Purse would naturally give them. Every other Influence, of Force or Authority, exercised for the pretended Purpose of securing the Company’s Investment, he is convinced must be attended with Oppression to the Manufacturers, and in Time with the Debasing of the Manufactures; Such Powers can be wanted for none but for private and personal Advantages.

Your Committee then proceeded to examine William Harwood, Esquire; who said, He has served in the East India Company’s Service Seventeen Years, and was Chief at Dinagapore from the Beginning of the Year 1775 to the Beginning of the Year 1780; and that about £. 350,000 was upon a Medium the Annual Amount of the Collections of that Division—Being asked, Whether he found any great Inconvenience in the Collection of the Revenues, and the Administration of Justice, by having a Provincial Council joined with him? he said, No—Being asked, Whether the Natives ever complained of that Institution? he said, He never heard they complained of it—Being asked, Whether the Council General at Calcutta ever signified to him that his Board was a defective Institution, and called upon him for Materials by which a Plan might be formed for correcting the Defects, or supplying it by some other Institution? he said, He does not remember that they ever did—Being asked, Whether he is of Opinion, that Justice will be better administered by a single Company’s Servant, with an Appeal to a single Judge of Sudder Adawlut, resident at Calcutta, than by the Members of the Provincial Councils sitting in Rotation, with an intermediate Appeal to the Provincial Council, and a further Appeal to the Council General? he said, He apprehends the latter Method will be most agreeable to the Natives.

Being asked, Whether the Collection of the Revenues of the Dinagapore Division could bear any considerable Increase without Inconvenience to the Natives? he said, He apprehends they could not; if they could, he should certainly have proposed it when he was at the Head of that Division—Being asked, Whether he thinks that in general they would require a Remission rather than an Increase? he said, When he resided at Dinagapore, the Rents of most of the Districts were rated as high as they could well bear—Being asked, Whether he conceives that the Assessment of Revenue in general is now higher than before the English possessed the Dewannee? he said, He does believe in general it is much higher—Being asked, Whether frequent Scrutinies have not been made into the Value of the Lands since the Establishment of the English Government in Bengal? he said, He does remember several—Being asked, Whether they have produced any considerable Advantages to the Revenue, with regard to its total Amount? he said, It is his Opinion, that they have produced a contrary Effect—Being asked, Whether these new Assessments have given Satisfaction to the Natives, or been the Cause of Alarm? he said, He understood from several intelligent Natives with whom he has conversed, that the attempting to make frequent new Assessments has given the Natives in general an Idea of the fluctuating Principles of our Government—Being asked, What he then thinks would be the Consequences of another new Assessment? he said, It is natural to suppose they will be still more confirmed in their Opinion—Being asked, Whether he thinks that a Committee of Gentlemen sitting at Calcutta will be enabled, from the Perusal of Rates and Remissions registered in their Office, to make an equitable Plan for the Rise of some Farms, and the Fall of others, according to their  
several

several Values in the Division of Dinagapore? he said, He believes the Gentlemen resident on the Spot would be much better enabled to effect it: The Gentlemen resident at Calcutta certainly cannot enter into the Minutiae of the Collections of the Dinagapore Division—Being asked, Whether leaving it to the Discretion of any Persons resident at Calcutta, to raise and fall the Value of Zemindaries and other Farms, might not give Occasion to the Exercise of unjust and mischievous Partialities? he said, It certainly gives the Power in some Degree, let them reside where they will—Being asked, What would be the Consequence of a discretionary Power of removing Zemindars upon Refusal to raise their Rents, and putting their Lands into the Hands of Trustees for Government? he said, As far as his Experience enables him to judge, the Measure in itself would be odious to the Natives, and will not be productive of the End expected from it, that of encreasing the Rents—Being asked, When the Lands are Khafs, that is, held by Government on their own Account, whether the Rents do usually amount to as much as when they are held by Zemindars? he said, He believes not; he always understood that the Perception of the Revenues was always less when made Khafs, than by any other Mode—Being asked, What he conceives would be the Consequence of putting up the Zemindaries and Farms to the highest Bidder? he said, In the Year 1772 the Governor and Council formed a Committee of Circuit for letting the Lands by Auction; he has always understood, that the Consequence of this Plan was an annual Decrease of Rent, until the Time expired for which the Lands were let—Being asked, Whether it is in the Power of any Committee so to attend to the Knowledge and Responsibility of each Individual Farmer, as to prevent effectually the Reduction of the Revenue? he said, He apprehends not—Being asked, What he thinks of the Consequences of the Appointment of a Malzamin, as stated in the 30th Article of Mr. Hastings's Plan, and the same being then shewn to Mr. Harwood? he said, He does not perfectly understand the 30th Article. If the Malzamin or Agent there mentioned, holds his Appointment from the Committee, the Collections will of course be made by him, and become Khafs, that is, collected on account of Government; if the Malzamin is appointed by the Zemindar, there is nothing new in the Measure—Being asked, Whether it will be possible to get a Malzamin or Security to pledge his Fortune in that Manner, without a Compensation from the Revenues of the Zemindary? he said, He apprehends not—Being asked, Whether this may not, in Effect, amount to a Rent Charge, arbitrarily imposed on those Lands? he said, It is certainly an additional Charge on the Rent—Being asked, Whether this discretionary raising of Rents of the Zemindars, or putting their Lands to farm to the highest Bidder, does or does not tend to the impoverishing the inferior Tenants? he said, If an Increase of Rent is demanded from the Zemindar, he will undoubtedly procure it from his Ryots; he believes it always was so—Being asked, What is his Opinion of the discretionary Power of changing the Tenant every Year, or not, according as the Collector shall find him forward or deficient in the paying of his Rent? he said, Under particular Circumstances, it may be a proper Measure; but he has always been of Opinion, that where the Rents were fixed for Life with the Zemindar, the Collections have been always most regularly paid; that it is a Method most agreeable to the Natives, and Practice has proved it most beneficial to the Country—Being asked, What would be the Consequence of changing the Farmers annually, in some Cases at the Discretion of a Committee at Calcutta, and at other Times by the Collector of the District? to which he answered, That he has already said, in his Opinion the best Method would be to fix the Rents for Life; the frequent changing of the Persons who have Charge of the Rents may certainly introduce Confusion—Being asked, Whether there have not been in the Division of Dinagapore considerable Remissions to the capital Zemindars on Account of Religious Ceremonies, and for their armed and other Servants? he said, He believes some Remissions have been allowed on those Accounts—Being asked, Whether or not those Charges are proper and necessary? he said, Those Charges, he believes, have always been incurred, and are proper and necessary—Being asked, Whether in case the Zemindars were invested with the Superintendency of the whole Police, and with an entire criminal Jurisdiction, and made responsible in their Fortunes for the Peace and good Order of their Districts, the keeping up this Kind of armed Servants would not be rather more than less necessary? he said, Undoubtedly they would become

more necessary—Being asked, Whether the Sum of <sup>R. A. Pe.</sup> 1,65,207 8 17 may be cut off from the Allowances to the Zemindar of Dinagapore, without Prejudice or Oppression? he said, He apprehends that

the Allowance of <sup>R. A. Pe.</sup> 1,65,207 8 17 was an Allowance made to the Zemindar of Dinagapore, to enable him to keep up a certain and necessary State and Dignity in his District, and that this Allowance was either given or continued to him when he was deprived of the Management of his Zemindary, and his Lands were let by public Auction—Being asked, Whether he ever remembered Pensions being granted to Zemindars, except for Services performed, or Compensation for Lands taken away from them? he said, No, he does not—Being asked, Whether if the Zemindars fall into Arrear, he conceives, from his long Experience and Knowledge of the Collection of the Revenue, that such Zemindar will be able to pay not only the Arrears, but a per Centage on the Arrears? he said, He has found it difficult, and in most Cases impossible, to realize Arrears of Rent, much less will it be possible to collect an Interest or per Centage upon Arrears which may hereafter happen—Being asked, Whether he ever knew a per Centage levied upon the Arrears of a Zemindar? he said, Never; he has known Government advance Money to Zemindars to carry on the Cultivation of Lands, upon Re-payment of which an Interest has been received.

Being asked, If a Committee of Revenue was established at Calcutta, on whose Proceedings no

Dissents are entered, what Means have the Council General to form their Judgments upon the Proceedings of that Committee, where a Diversity of Opinion has prevailed? he said, The Governor General and Council, in that Case, must be guided by the Majority of the Committee; he knows no Method by which they can form a Judgment of the Sentiments of each Member of the Committee—Being asked, Whether he does not think that a Regulation which prevents dissentient Opinions being entered on the Public Proceedings, has a Tendency to exclude Information? he said, He is of Opinion it has such a Tendency—Being asked, Whether it is not the Usage of the Company's Governments, for Servants or subordinate Boards at the Presidency, and particularly for Natives employed in Offices of Government, to apply for verbal Instructions to the Governor alone? he said, He believes it is—Being asked, Whether the Acts of Government, Sunnuds of Zemindarries, and similar Papers, written in any Country Language, are usually signed by the Governor alone? he said, He believes it is usual—Being asked, If the Provincial Councils are abolished, and their accumulated Business conducted by a Committee of subordinate Servants at Calcutta, would not such a Plan tend to draw more Power and Influence to a Governor General? he said, It may have such a Tendency.

Being asked, What is his Opinion of the Appointment of a Dewan to the Committee of Revenue, as it may affect the Authority of the Roy Royan? he said, As there is now but One Committee of Revenue, and that at Calcutta, he apprehends his Authority may be in some Degree lessened by it—Being asked, Whether he knows who is appointed Dewan to the Committee of Revenue? he said, He has been informed, and does believe, that Gunga Govind Sing is appointed Dewan—Being asked, Whether he knows that Gunga Govind Sing was some Time since dismissed from the Office of Naib Dewan to the Calcutta Provincial Committee? he said, He is not certain, whether he was Dewan or Naib Dewan, but he remembers his Dismission—Being asked, What was the Cause of his Dismission? he said, He believes some Misconduct and Disagreement with some of the Members of the Committee.

Your Committee then examined Edward Baber, Esquire; who being asked, Whether he was Chief of any of the Company's Provincial Councils, and how long? he said, Of Moorshedabad, from January 1775 to December 1779—Being asked, What was the Annual Amount of the Collections within his District? he said, About Forty-five Lacks of Rupees, or £.450,000—Being asked, Whether, at the Time he was appointed Chief of that Council, he conceived Provincial Councils to be a permanent or temporary Establishment? he said, He knows that in its Institution it was said to be temporary, and he conceives that, like all other Institutions made by the Governor and Council, it was liable to such Alterations and Changes as they might please to make—Being asked, Whether he had any Orders from the Governor General and Council that should induce him to believe that the Establishment of the Provincial Councils was a temporary Measure? he said, He does not recollect any particular Orders declaratory of its being a temporary Measure—Being asked, If he knows of any Steps that were taken from November 1773 to December 1779, to make the Abolition of the Provincial Councils an easy and gradual Change? he said, It did not fall under his Province to know the particular Measures of Government, and therefore he is not acquainted with any Steps of that kind farther than knowing, that there were some Innovations in the Institutions of Provincial Councils, such as Districts being alienated from the original Divisions and given to Collectors—Being asked, Whether he did, as Chief of the Provincial Council of Moorshedabad, receive any Orders, the Execution of which were preparatory to the Abolition of that Provincial Council? he said, He does not recollect any of that particular Tendency—Being asked, Whether he conceives that the Collections of the Revenue would be conducted better by a Chief without a Council than by a Chief and Council? he said, He thinks that the Collections might be better conducted by a single Person than by a Chief and Council, provided the District is not too large—And being desired to explain to the Committee his Reasons for that Opinion? he said, It is in the Power of an Individual to bestow more Time and Attention on the Duties of his Office than with a Council—Being asked, Whether he thinks that a Chief and Council, having Authority to depute a Member of that Council to any Part of his District, to examine into the Collections on the Spot, such an Establishment would not be of more Utility than the Collections being under a Chief alone? he said, When he gave his former Answer he did not mean that a Chief should be alone, without any Assistants; but allowing him such Assistants as are necessary to be deputed into the Districts, and to conduct the Detail of the Business, he thinks, as he has before said, a Chief, with such Assistants, would conduct the Business better than a Council—Being then asked, Supposing a District to be under a Chief alone, by what Means are the Council General to acquire Information beyond what that Chief shall please to transmit to them? he said, It is usual, when there is only a Chief in the District, and he has been in that Situation himself at Midnapore, for the Governor and Council to make him the Channel of all their Orders and Regulations relative to that District, consequently the Means of Information must be through him alone—Being asked, Whether from his Knowledge of the People in Bengal, he thinks that an English Gentleman, left alone in a Province, with a public Certainty that his Office was to be annulled, would be able to conduct the Public Business of the Collections with Success? he said, He should think not—Being asked, Whether he thinks it is the Wish of the Zemindars to have all British Subjects removed from their Districts? he said, He knew the Zemindars Dispositions so well, as to say they would be very glad to have as little Check and Controul as possible—Being asked, Whether he has ever heard that Zemindars have expressed their Wishes to purchase an Exemption from the Controul of Government? he said, He



He never has—Being asked, Whether he thinks it would be prudent for the Government to recall the British Subjects that are employed as Checks upon the Zemindars? he said, Unless he knew the particular Nature of those Checks, and the Duty assigned them, he is not competent to give an Opinion upon the Subject—Being asked, If, when any Attempts have been made by the neighbouring Powers to invade Bengal, it did not appear that Zemindars have been often made the Instruments of accomplishing such Purpose? he said, He should apprehend the History of that Country would be the best Proof on this Subject—Being asked, When Zemindars fall into Arrear of Rent, is it an easy Matter to recover those Arrears? he said, A good deal depends on the Nature of the Arrears, and the Disposition of the Zemindar, and in general it is a Matter of Trouble and Difficulty—Being asked, If Zemindars fall into Arrears, does he conceive, from his long Experience and Knowledge of the Collection of the Revenue, that such Zemindars will be able or willing to pay a per Centage on such Arrear? he said, That the Zemindars would not be willing to pay Arrears he is very clear in, but he is not so clear how a per Centage is to operate to enable them to pay such Arrears; and therefore, without some further Explanation on the Subject, he cannot give a fuller Answer—Being asked, Whether he ever knew a per Centage levied upon the Arrears of a Zemindar? he said, No, he does not recollect any Instance—Being asked, Whether he ever made any Representation to the Governor General and Council, while he was Chief of Moorshedabad, of the Inefficacy of his Provincial Council to collect the Revenues of his District? he said, Not in those precise Terms; but he is not clear whether some Representations may not have been made for an Increase of Power for carrying on the Collections—Being asked, Whether he thinks, that, whilst Provincial Councils exist, the Governor General, or any Member of the Council General, could carry on any corrupt Practices without the Probability of its coming to the Knowledge of some Member of the Provincial Council? he said, He should apprehend that nothing of material Consequence could be transacted without its being heard of by the Chief or some of the Council—Being asked, Whether the Abolition of the Provincial Councils does not tend to draw more Influence into the Hands of a Governor General, as also to the Removal of many Checks which formerly existed? he said, He thinks the more the interior Business of the Country is drawn to and transacted at the Presidency, the greater will be the Influence of the Government over the People of the Country—Being asked, What are the Number of the Provincial Councils, and of the Persons dependent upon them? he said, He thinks there are Six Provincial Councils, and all together about One hundred Servants—Being asked, Whether the Provincial Councils were not obliged to record all their Proceedings? he said, Yes—Being asked, If there were any Dissents of those Councils, whether the Governor General and Council were not enabled thereby to form a Judgment of the Propriety of their Proceedings? he said, Yes, certainly—Being asked, If a Council of Revenue was established at Calcutta, where no Dissents are entered, what Means have the Council General to form their Judgment on the Proceedings of that Council? he said, He cannot answer for the Ingenuity of the Governor General and Council upon that Occasion—Being asked, If the Provincial Councils are abolished, and such a Committee is established at Calcutta which was to have the Charge of all the Collections of the Provinces, would not the Establishment of such a Committee tend to increase the Influence of a Governor General? he said, He cannot say—Being asked, If he knows whether any Complaints have been made by the Zemindars to the Council General, against the Provincial Councils, as an Establishment grievous to them? He said, Not that he knows of—Being asked, Whether there was any from the Mahomedans? he said, None that he knows of—Being asked, Whether there was any from the Traders and Manufacturers? he said, None that he knows of—Being asked, Whether there was from the Military? he said, Not that he knows of—Being asked, Whether any Direction ever came from the Governor General and Council, desiring the Provincial Councils to state any Defects in their own Establishment? he said, He cannot charge his Memory with any particular Instances of the Kind—Being asked, Whether there has been any Complaint made by the Governor General and Council against the Provincial Councils, concerning the Administration of Justice, in their Character of Judges of the Dewannee Adawlut Court? he said, He does not know of any—Being asked, Whether he thinks Justice will be better administered by One English Gentleman in that Capacity, than by the Members of the Council as formerly constituted? he said, Yes: His Reasons are, when a single Person has the sole Charge of the Adawlut, without the Duty of a Member of the Council to attend to, that of Superintendent of the Court, by constantly attending to his Office only, he is more conversant with the Business that comes before him: When it was conducted by the Members of the Council in Monthly Rotation, it frequently happened that their Office expired in the Middle of a Cause, and the Successor, who took it up in that Stage, was not so conversant in it, and being unacquainted with the Circumstances which had passed, the Natives often availed themselves of this Situation, and endeavoured to perplex and puzzle the new Officer as much as possible. He has frequently heard the Members of the Council at which he was Chief, complain of the System of a Change by Rotation, and wish it to be fixed—Being asked, Whether it is his Opinion that it is better to have a single Person reside in the Provincial Adawluts, subject to the Revision of the Provincial Council, or to be intrusted to a single Person not subject to such Revision? he said, He humbly apprehends, that in the Answer he has already made, giving a Preference of an immediate to a remote Appeal, he has answered this Question—Being asked, Whether there was not an Advantage in having an Appeal from the Counsellor who acted in Rotation to the Council at large, without being obliged to carry their Appeal to Calcutta? he said, Certainly—Being asked, Whether the Servants of the Company will act in that Situation with more Satisfaction, by having the Appeals judged by the Governor General and Council, as the Sudder Adawlut, or by a



Judge of the Supreme Court exercising that Function alone, and without further Appeal? he said, He cannot answer for the Opinions of others, but for his own Satisfaction he should prefer an Appeal to the Governor General and Council.

Being asked, What is his Opinion of the Advantages of a new Assessment of all the Lands in Bengal? he said, Unless he was particularly acquainted with all the Circumstances under which a new Assessment was to be made, he cannot give an Opinion upon it—Being then asked, If a new Assessment was to be made of the District of Moorshedabad, does he conceive that it would admit of a considerable Increase? he said, he does not—Being asked, Whether he thinks that by a mere reading and collating of Papers at Calcutta, a new Assessment of the Lands of the Country of Bengal, Bahar, and Orissa, could be made with Safety and Effect? he said, He thinks if they were proper Papers, a new Assessment might be made at Calcutta—Being asked, Whether he does not think that new Assessments have been more frequently made under the English Government than under the Mahomedan Government, within the same Space of Time? he said, Under that general Description he cannot give an Answer—Being asked, Whether he conceives that frequent Innovations and Changes in the Mode of collecting the Revenues, can be either pleasing to the Natives, or likely to be beneficial to the Company? he said, No; certainly not—Being asked, Whether he conceives that there are Circumstances peculiar to the Country of Bengal, or the Genius of the People, which may seem to render frequent Changes in the Form of Government more expedient than in other Parts of the World? he said, He conceives that the Government of the Country of Bengal is not arrived at that State of Perfection which many other Countries are, that therefore, in its Progress to a greater Degree of Perfection, Changes may be necessary—Being asked, Whether he does not know that frequent Changes have been made in the internal Government of the Country since the Company's Acquisition of the Dewannee? he said, Yes—Being asked, Whether he has not understood that the System which was established by some of the early Emperors of Indostan, was continued with little Change down to that Period when Bengal became the Seat of Rebellion and Anarchy? he said, He understood that the System was uniformly the same.

Your Committee then examined Charles William Boughton Rouse, Esquire, a Member of Your Committee; who, from having long presided in the Provincial Council of Dacca, was very capable of giving Your Committee much Information on the Subject of their present Inquiry—Who being asked, Whether he is of Opinion that Justice will be better executed in the Provinces by a Single English Gentleman employed for that Purpose, with an Appeal to the Sudder Dewannee Adawlut at Calcutta, than in the Manner formerly used? he said, He always considered the immediate Appeal from the Decisions of the Provincial Dewannee Adawlut to the Provincial Council acting upon the Spot, on Sums exceeding 1,000 Rupees (about £. 100) to be very beneficial to the Province, as it relieved the Natives from the Necessity of undertaking long and expensive Journeys: During the Three Years that he held the Station of Provincial Chief of Dacca, many Appeals were presented, and decided upon by the Board; some Decisions of the Provincial Adawluts were affirmed, and some were reversed; but the Multiplicity of Business was such in that Department, that they could not find Time to go through all the Appeals that lay before them: At the same Time, he thinks it right to mention, that he always considered it as a defective Part of the Institution, that the Superintendence of the Adawlut should be held by the Members of the Council in Rotation, and that the Superintendant of the Adawlut should sit at the Board on the Judgment he had passed—Being asked, What he thinks would be the Consequence of having no Appeal except to Calcutta? he said, He thinks it must produce the greatest Inconvenience to the Natives, by obliging them to be absent from their Province, which it has always been held prudent in the Government of that Country to prevent: He should think likewise that the Subject in Litigation is less likely to be understood by Persons judging without the Benefit of the local Knowledge of the Province, as every District of our Possessions has Usages and Peculiarities, and even Construtions of the Hindoo Law, different from each other; with regard to the Mahomedan Law, this Inconvenience is less likely to happen—Being asked, What he thinks of the Use of Rotation in the Superintendants of Adawlut, in order to prevent systematic Partiality or Corruption? he said, In that Point of View it certainly would have a good Tendency; but in like Degree there would be less Regularity and greater Procrastination in the Decision of Causes—Being asked, Whether there was any Complaint in the Province of Dacca from the Delay or Irregularity in the Administration of Justice, from the Superintendants of Adawlut sitting by Rotation? he said, He does not remember that it was ever made a serious Matter of Complaint with the Natives; but he always understood that the Provincial Adawlut was not able to go through the Whole of its Business; and if the Gentleman who presided in it, had not been under the Necessity of attending at the Consultations of the Board, he would have been able to lessen that Inconvenience, by a more constant Application to the Business of the Provincial Court. Whether that Excess of Business may arise from the seditious Spirit so notorious in the Dacca Province, or may have happened to an equal Degree in other Provinces, he is not competent to declare—Being asked, Whether he did not preside in the Dewannee Adawlut in Calcutta, and how long? he said, He did, near Two Years—And being asked, Whether there was much Business in that Court, and many Appeals? he said, The Constitution of that Court was somewhat different from the Provincial Adawluts, as an Appeal was allowed to the Governor and Council, upon all Sums exceeding 500 Rupees (or £. 50) To the best of his Recollection, the Number of Decrees passed during the Period abovementioned was between Two and Three thousand: The Appeals presented were, he

thinks, about Twenty-five—Being asked, How many of those were reversed? he said, He does not recollect any one was reversed; but in one Case there was a slight Alteration made in the Interest adjudged by the Decree of the inferior Court—Being asked, What might be the general Expence of the Trial of Causes in that Court? he said, In the Establishment of the Judicial Cutcherry, which preceded that Court, there was a Charge of 5 per Cent. which was paid to the Company, with some inconsiderable Fees to the Officers: The Tax of 5 per Cent. was afterwards abolished. As to other Expences of a Suit, such as the employing of Vackeels or Agents, the bringing of Witnesses from different Parts of the Country, &c. which must be paid by the litigating Parties, it would be impossible to estimate them; but by far the greatest Part of the Causes would be decided without an Expence of Five Shillings to either Party—Being asked, Whether he found any considerable Inconvenience from having a Council joined with him in the Administration of the Revenue, whilst he was Chief at Dacca? he said, Deliberation certainly creates Delay; but as the Meetings of the Council were not daily, and the executive Power was vested in the Chief, he is not inclined to think that the Existence of a Council, if it be not composed of too many Members, creates any Difficulty of great Detriment to the Dispatch of Business—Being asked, Whether, if a Chief of a Provincial Council was inclined to abuse his Power, to the Detriment of the Company, or to the Injury of the Natives, would or would not a Council be some Restraint upon him? he said, Undoubtedly, a considerable one—Being asked, Whether the Provincial Council had the Provision of the Investment? he said, No, it was conducted by a Member of the Board of Trade, with a considerable Number of Officers, English and Natives, acting under his sole Authority—Being asked, Whether, supposing the Provincial Councils to exist, he conceives that it would be proper to give them any Authority over the Company's Commercial Concerns? he said, He thinks the good Conduct of the Company's Commercial Concerns must require a Knowledge, which the Officers of the Revenue Department, though well versed in that Branch, may not possess; besides, he imagines that every Provincial Council must have had Business enough of its own; and it seems contrary to good Principles, to let the governing Power be the Trader upon the Spot, where its constant Vigilance should be exerted to prevent any Influence of Power subversive to the Freedom of Trade—Being asked, Whether, from his Knowledge of the Country, he thinks, upon the Whole, the Revenues will be best collected, and the Natives least injured, by continuing the former Course of a Chief and Council, or by investing the whole Collection of the Revenues and Civil Government in a single Hand, subject to a Committee of Revenue in Calcutta? he said, Having frequently turned the Subject in his Mind, and having acted as sole Collector in one Province, and Chief of a Provincial Council in another, he thinks, all Circumstances considered, the Objects described may be better accomplished by the former than the latter Mode—Being asked, Whether the Provincial Chiefs and Councils are permitted to accept Presents, or any Emoluments, except their Salaries? he said, By the regulating Act of 1773, all Persons holding Stations of that Nature are prohibited from receiving Presents, and from being concerned in the Inland Trade, or lending Money at higher Interest than Twelve per Cent. &c. and in a Letter from the Governor General and Council, dated the 9th of March 1775, to the Provincial Councils (Appendix, N° 9) it was declared, that the Salaries then assigned should be in lieu of all Emoluments—Being asked, Whether these Salaries were sufficient to maintain the Chiefs and Counsellors in a Manner suitable to their Situations, and moderately to benefit their Fortunes? he said, He thinks certainly not; it would require Frugality to live creditably upon them. Upon his Appointment to the Chiefship of the Dacca Division, he was so strongly impressed with the Insufficiency of the Salaries, that he proposed a Remonstrance upon that Subject, in which the other Members of the Council acquiesced. A similar Application was renewed, after an Interval of Thirty Months, but no Augmentation was ever made, although the Governor General and Council informed them that the Case had repeatedly been recommended to the Court of Directors. He believes similar Remonstrances were made by all the Provincial Councils.

And the further to elucidate this Matter, Your Committee have caused a Copy of a Letter from the Provincial Council at Dacca, of the 23d of March 1775, also the Extract of a Letter from the Governor General and Council to the Chief and Council at Dacca, of the 31st of March 1775, and also a Copy of a Letter from the Chief and Council at Dacca to the Governor General and Council, of the 1st of September 1777, to be inserted in the Appendix, N° 10.

Your Committee then asked Mr. Boughton Rouse, Whether he has made the original Tenure of Lands, in the Times of the Mogul Government, the Subject of his particular Inquiries? to which he said, He certainly did pay the greatest Attention to this Subject; considering it not only a Matter of curious Inquiry, but as important in the highest Degree to the good Government of the Territory we have acquired in India; and from the Conversation and Correspondence he has had with intelligent and respectable Men, both Mahomedans and Hindoos, and Persons who had been employed in public Offices from Twenty to Fifty Years, and many who remembered the State of the Country Government before it fell into Anarchy, he has understood that Zemindaries were always considered as hereditary. The Security of the Tenure may be inferred likewise from an Inspection of all the Firmauns and Grants obtained from the Emperor Terrokfere in the Year 1717, where the Permission given to the English Company to hold the Districts contiguous to their Factory at Calcutta, invariably annexes a positive Condition, that the Lands in Question *shall be purchased of the Zemindars*, and that the *Zemindars shall be satisfied*; and as a farther Illustration of this Subject, he now lays before the Committee a Note he had taken in the Year 1777, which was the Result of some Inquiries

Inquiries he had then been making from a very intelligent Mahomedan, who had resided principally in the Bahar Province, into the Nature of a Zemindarry Tenure :

“ It appears that Zemindarries have always been considered as hereditary ; and that the Coparceners in the Succession of a Zemindarry derived from Descent or Purchase, might apply to the Courts of Justice to establish their Claim, and then have their respective Portions separated, by Application to the executive Officers of Government : That in former Times these Courts, composed of the Cauzi and Muftis, &c. were independent of the Subadar's Authority ; so much so, as to issue their Precepts (Illâm) against them ; and if at any Time the Hereditary of a Zemindar was infringed by the Government, unless as a Punishment for Rebellion, or some flagrant Misconduct in the Proprietor, it was considered as an Act of Injustice and Tyranny : But this Independence of the Judges ceased, and numberless Abuses arose in every Branch of Government, after the Destruction of the Empire consequent on Nadir Shah's Invasion, and the Assumption of the Southern Provinces by Alliverdy Cawn.”

Being asked, If a Committee of Revenue was established at Calcutta, on whose Proceedings no Dissents are entered, what Means the Council General have to form their Judgment upon the Proceedings of that Committee, where a Diversity of Opinions has prevailed ? he said, None, but personal Intercourse with the Members of the inferior Board—Being asked, Whether he does not think that a Regulation, which prevents dissentient Opinions being entered on public Proceedings, has a Tendency to exclude Information ? he said, He thinks it appears to have that Tendency—Being asked, Whether it is not the Usage of the Company's Governments, for their Servants or intermediate Boards at the Presidency, and particularly for Natives employed in Office of Government, to apply for verbal Instructions to the Governor alone ? he said, He has always understood that it was so ; and that the Rules of the Company's Government have always made the President the Channel of Communication with the Natives—Being asked, What will be the Effect, if the Provincial Councils are abolished, and this accumulated Business conducted by a Committee of subordinate Servants at Calcutta, as to the Power and Influence of a Governor General ? he said, He thinks it must tend considerably to increase the Power and Influence of the Person who holds that Station—Being asked, Whether he conceives that the Court of Directors will be able to form Opinions with so much Knowledge of the Subject before them, by a Committee of Revenue at Calcutta, where dissentient Opinions are not entered, as they were by the Proceedings of the Provincial Councils ? he said, The Correspondence of subordinate Boards and Officers must unavoidably increase the Lights which can be thrown upon the Concerns of the Bengal Government : If from the Removal of these subordinate Servants, the Information of the Governor General and Council is rendered more defective, it follows of course, that of the Court of Directors must be so likewise.

Being asked, Whether he thinks that the Company's Investments could be made without any Preference or Right of Pre-emption exercised over the Manufacturers ? he said, It has long been his Opinion, and one which actuated his public Conduct as Chief of the Dacca Province, to oppose that Claim of Pre-emption, and thereby render the Trade of the Province completely free and open ; and he thought that the most likely Mode of recovering a valuable Trade, which had very much declined. It did not appear to him, from the best Knowledge he possessed, that the good Provision of the Company's Manufactures required any other Preference than that which naturally arose, or might at all Times arise, from the Priority and Certainty of Payment ; however, the Measures he then pursued, were made Matter of Complaint in the Commercial Department ; but what Decision was ever passed upon it by the Company, he is not informed.

And Mr. Boughton Rouse being further examined, was asked, What he thinks would be the Effect upon the Revenue and the Natives, taken as a joint Consideration, from making the Profits of the Collector entirely dependant upon and arising from the Amount of Revenue which he collects ? he said, Considering Schemes of increasing the Revenue as a pernicious Principle, which has actuated our Government at all Periods since we have had Possessions in Bengal, he does not think it eligible to make the Profits of the Collector arise from that Source ; he thinks a Salary more eligible ; he has seen old Accounts of the Collections of the Country Government, in which the Salary of the Collector was fixed by a per Centage upon the Amount of the Revenue, which was about the Rate of 3 per Cent.

Being asked, Whether the Landed Property of the Natives, Zemindars, and others, was, before the Time of the English Government, reckoned precarious and liable to be taken away by Government, whenever they should think fit ? he said, He has heard of occasional Acts of Violence, and more particularly in the Times of Anarchy which preceded our Acquisition of the Country ; but whilst the Mogul Government was in its Vigour, he has always understood, that the Property of Zemindars was held sacred ; and this Opinion he collects from perusing Books and Papers in the Languages of that Country, and frequent Conversation with intelligent Men ; he understands that at this Time there are some Families of Zemindars whose Ancestors held the same Tracts of Country when Bengal was first reduced to the Mogul Government by Akbar, 200 Years ago, whose Regulations have been much respected, and were continued down to the Period of the English Acquisition with little Variation—Being asked, Whether the Annual Settlement made with Zemindars was not a Proof that their Lands were considered as held only by a Tenure of during Pleasure ? he said, He does not apprehend that in Times anterior to our Possession of the Country, the Revenue of the Lands was annually subjected to considerable Changes, and even where a Deviation was made from the Amount of the former Years, it was done by superadding or striking off from an ancient fixed

Assessment,

Assessment, and not by local Scrutinies into the Produce of the Land—Being asked, Whether it was usual to put up Lands to the highest Bidder, in case the ancient Zemindar did not chuse to submit to an arbitrary Valuation? he said, He never has heard of such a Practice in ancient Times; he believes Cossim Ally Cawn did make an Attempt to draw into his Treasury the whole Produce of the Land, and destroy all intermediate Profits and Agencies; but it has always been considered in Bengal an Act of Tyranny and bad Policy—Being asked, Whether the Property of the Zemindars has been equally respected since the Establishment of the English Government in Bengal in the same Manner as in the best Times of the Mogul Government? he said, Certainly not; various vexatious Scrutinies have been made into the Value of their Property; and particularly in the Year 1772, a Principle having been adopted and avowed, that Government had a just Claim for a Revenue adequate to their real Value, and the Lands of the Zemindary having in consequence been let to Strangers, and others who were the highest Bidders—Being asked, Whether in consequence of that Measure, many of the ancient Nobility were not dispossessed of their Estates? he said, Yes, a great many; he has understood that some Zemindars made a Compromise with the Farmers, to retain an Influence upon their Zemindarries; others continued out of Possession during the whole Term of the Lease (Five Years) and during that Term the Zemindars were allowed a rateable Pension of Ten per Cent—Being asked, What Effect these new Valuations had upon the general Prosperity of the Landed Nobility and Gentry of that Country, as compared with what his best Information represented their Condition in former Times? he said, His best Information leads him to think, that the Landholders of all Ranks have been much discontented and greatly impoverished, and that the Land has been loaded with enormous Debts—Being asked, Whether the Rajahs and principal Zemindars appear to him to be in a Condition to preserve their Civil Rights and Dignity in their accustomed Manner? he said, He fears they are all much degraded from their former Dignities; he has seen some of their Palaces, built with great Magnificence and Expence, falling to Ruin from their Inability to keep up their former Expence—Being asked, Whether he remembers any considerable Houses lately built by Rajahs or Zemindars in that Country? he said, He does not remember an Instance of any one; he paid a Visit to the Rajah of Nuddea, a Bramin of ancient and distinguished Family, and famous for his Learning, at his Capital of Shibnabaf, which has scarcely been visited by Europeans; and there he saw some very elegant and magnificent Buildings, intended for religious Purposes, which had been begun by the Rajah, but were left unfinished; there are many considerable Houses and Temples built by Natives at Calcutta, but not, he believes, by Rajahs or Zemindars from any Profits of their Lands.

Being asked, Whether the actual Receipt of the Revenues has been improved in Proportion to the Operations which he has stated with regard to the Tenure of Lands? he said, He thinks that in the Parts of Bengal which he has seen, the Revenue has been kept up by new Taxes upon the Cultivator, while the real Produce of Agriculture and Commerce has been diminishing—Being asked, Whether the nominal Increase of Landed Revenue, in Consequence of these Operations, have been realized? he said, That he believes of late Years the Arrears have been far greater than were known at any former Periods, and that those Arrears in general were desperate; however, at the Expiration of the Five Years Leases in April 1777, a considerable Abatement was made, by settling the Revenue as near as Circumstances would allow upon the Average Receipts of the Three middle Years of that Period, therefore it is to be supposed the estimated Revenue would be better completed—Being asked, Whether in the Province of Dacca, where he presided, it would be expedient to make a new Valuation or Assessment of the Land for the Purpose of raising the Rents? he said, He thinks such an Undertaking must be attended with many pernicious Consequences, and he doubts whether the Attempt would be efficacious—Being asked, Whether such new Assessments would be usefully or safely made throughout Bengal, by Gentlemen resident at Calcutta, from the mere Perusal of Papers and Accounts? he said, Such an Assessment could only be formed from Papers to be collected by an infinite Number of Agents, either Native or European, dispersed through the Provinces; and in his own Experience he has never found such Materials to be safe or satisfactory—Being asked, Whether from his Knowledge of the Country the granting to the native Zemindars a permanent Estate in their Landed Property, descendible according to the Usage of the Country, and according to a fixed Rate, not to be altered without a direct Authority from Great Britain, would be prejudicial to the true Interests of the Company in Bengal? he said, He holds it indispensably necessary for the Prosperity of Bengal, and the Happiness of the People in general, that the Zemindars should be inviolably secured in the Tenure of their Lands, and with a Certainty that those Lands should descend to their Heirs. If the Revenue of every Zemindar to be paid to the State could likewise be freed and secured from all occasional Variations, such as they have experienced for some Years past, it must prove highly beneficial to the Country and to the Company; and as to any small Inequalities which might arise in the Assessment, as such there must be in the Assessment of every Landed Revenue, it does not appear to him that any material Detriment would result from it.

And with a View to obtain every Information on the Subject, Your Committee found it necessary to examine into the Orders of the Court of Directors for some Years past, as well such as related to the Mode of collecting the Revenues of Bengal, &c. by the Establishment of Provincial Councils, as to the Attention and Respect which was due to the Rights of the Rajahs, Zemindars, and other native Inhabitants of those Provinces; and as those Orders, and the Letters from Bengal, are important and voluminous, Your Committee have inserted them fully in the Appendix, N<sup>o</sup> 11.

Your Committee having carefully examined the Records of the Company, and stated to the House the Orders which the Directors had sent abroad relative to the Mode of letting their Lands, and the Collection of the Revenues, &c. they then entered into an Examination of the Opinions of several of the Members of the Council General of Bengal upon those very important Points.

And Your Committee find the following Extract of a Minute recorded by the Governor General, on the 25th of October 1774, at the first Meeting of the Council in the new Government.

“ The Points which I shall now beg Leave to submit to your Consideration are, first, the Mode of conducting the Business of the Revenue, and next, the Political System of these Provinces.

“ The general Mode which is at this Time established for the Management of the Collections, is as follows: The Provinces are formed into Six Divisions, each comprehending several inferior Districts under the Direction of a Chief and Council; these receive their Orders from the Board at large, and report to them their Proceedings in a separate Department, called, A Council of Revenue; and for the greater Facility of dispatching Business with the Inhabitants, and for the Preservation of the ancient Forms and Rules of Office, a Dewan, or Minister of the Revenue, is appointed to each Division, who is joined to the Provincial Council, and keeps all the Accounts and Records of the Country Languages; native Superintendants are also appointed to each District of the Provincial Divisions, with the Title of Naibs, and correspond with the Provincial Councils and Dewans. The Dewans also transmit their Accounts and Proceedings to an Office of ancient Institution, lately transferred from the City of Moorshedabad to Calcutta, named, The Khaltia, which is under the Charge of an Officer, intitled The Roy Royan, who occasionally sits at the Meetings of the Councils of Revenue, and is the Channel of Communication between the Board and the Dewans, transmitting to the latter the Counterparts of the Orders of the Board which are sent to the Provincial Councils, and receive their Answers.

“ The Exceptions to this general System are, the Province of Chittagong, which, from its remote Situation and small Revenue, has been left under the single Charge of the Chief of the Factory; and the Districts of Pallanow and Ramgur, under Captain Camac; and of the Jungulterry of Curruckpoor, &c. under Captain Browne. These may be properly termed Military Collector-ships: They are composed of the wild and mountainous Parts of the Country, which have been lately reduced to a State of Submission to Government, and require the continual Presence of a Military Force to keep them in Subjection. The Revenue which they yield is inconsiderable; but the Possession of them is a Security to the Peace of the cultivated and more civilized Lands in their Neighbourhood, which till their Reduction were continually exposed to the Ravages of the wild and lawless People inhabiting them. With these Military Collectors, the Correspondence was carried on by the Governor only; but according to the Instructions now received from the Company, it seems requisite that it should in future be conducted by the Council at large.

“ I must beg Leave to conclude this Subject, with earnestly offering my Advice for the Continuation of this System in all its Parts, with such Alterations only as the late Change in the Government has rendered indispensably necessary. Innovations are always attended with Difficulties and Inconveniences; Innovations in the Revenue, with a Suspension of the Collections; and a Change at this Season of the Year, would be particularly dangerous, as the Time of the heaviest Payments is now approaching; for the same Reason, your speedy Determination upon the future Mode of managing and collecting the Revenues, would prove of essential Service.”

Your Committee have also perused a Plan, signed by Mr. Hastings and Mr. Barwell, for letting the Lands in Bengal, after the Expiration of the Five Years Leases granted in 1772; and which was transmitted to the Court of Directors with their Letter of the 28th March 1775, Appendix, N° 12; of which the following is an Extract:

“ With respect to the Mode of managing the Collection of the Revenues, and the Administration of Justice, none occur to us so good as the System which is already established, of Provincial Councils, as explained in the Revenue Consultations.”

Your Committee consider this Plan as well deserving the Attention of the House; and therefore have inserted it in the Appendix, N° 12.

Your Committee observe amongst the Records of the Company, a Letter, signed by the Governor General and Mr. Barwell, dated the 31st of April 1776, entered on Consultation 29th May, (Appendix, N° 13) and addressed to the Court of Directors, which accompanied the Plan of a Bill, intitled, “ A Bill for the better Government of the Kingdoms, Provinces, or Countries, under the Government and Controul of the Governor General of Fort William in Bengal, and for the Administration of Justice therein.”

Your Committee find, that this Bill was framed by Sir Elijah Impey, the Chief Justice of the Supreme Court of Judicature, under the Sanction and Approbation of the Governor General; and even at this Period, the Establishment of Provincial Councils was so far from being considered as a temporary Measure, that the Bill contained several enacting Clauses to establish the Legality of the Power and Authority of the Provincial Councils. These Clauses are so full and explicit, and of such Length, that your Committee cannot insert them in the Report, but they are to be found in the Appendix, N° 13.



Your Committee have also perused a Plan of Mr. Francis, of the 12th of January 1776; and also a Letter from Mr. Francis, dated the 12th of March following, addressed to Mr. Michell, Secretary to the East India Company.—Mr. Francis, amongst other Points, has entered very fully into the Collection of the Revenues, the Administration of Justice, and the Rights of the Zemindars or Landholders. Your Committee have entered both the Plan and his Letter of the 12th March 1776, in the Appendix, N° 14; to which they particularly request the Attention of the House.

Your Committee having observed, that the Court of Directors, in their Orders to Bengal of the 5th of July 1776, bestow much Commendation on the Council General, then composed of Mr. Hastings, General Clavering, Colonel Monson, Mr. Barwell, and Mr. Francis, for their laborious Researches; and in their Letter of the 4th July 1777, very much condemn the Proceedings of Mr. Hastings and Mr. Barwell, when, by the Death of Colonel Monson, the Governor General's Casting Vote gave him the Majority in the Council General; and which Majority they declare he made use of to the Extension of his own Power; and the Directors having in the same Letter absolutely forbid the Exercise of any separate Controul in the Governor General only, and also declared that the Minutes of General Clavering and Mr. Francis were solid and judicious, and deserving their Approbation: Your Committee thought it their Duty carefully to examine the Minutes of both Parties.

The Papers which Your Committee were obliged to peruse on these Subjects, are so voluminous that it is absolutely impracticable to analyze them, so as to be able to comprize them within this Report; Your Committee have therefore inserted them at large in the Appendix, N° 15, contenting themselves with inserting such Extracts as appear to them necessary to elucidate the Subject.

The Governor General, on the 1st of November 1776, delivered in a Minute to the Council, of which the following is an Extract:

“ In whatever Manner it may be hereafter determined to form the new Settlement of the Provinces, after the Expiration of the present Leases, it will be equally necessary to be previously furnished with the accurate State of the real Value of the Lands, as the Grounds on which it is constructed. To obtain these, will be the Work of much official Knowledge; some Management and unremitting Labour in compiling and collecting the Accounts of the past Collections, in digesting the Materials which may be furnished by the Provincial Councils and Dewans, in issuing Orders for Special Accounts and other Materials of Information, and in deputing Native Officers on occasional Investigations.

“ It is impossible for the Board to conduct a Business of such Detail; neither can it be left wholly to the Provincial Councils: It requires Uniformity in the Design, Authority in the Execution, and an extraordinary Share of Responsibility, to animate the Zeal of those who are entrusted with the Charge of it.

“ I therefore propose, That a temporary Office be constituted to execute this Business, under the Conduct of One or Two Covenanted Servants of the Company, assisted by a Dewan and other Officers, either selected from the Offices of the Khalsa, or occasionally chosen for Special Commissions; that for the Sake of Dispatch, all Orders issued from this Office, for the Execution of such particular Services as shall have received the general Sanction of the Board, be written in the Name of the Governor General, and the Controul of it be committed to his immediate Charge.”

Your Committee find, That on the 12th November the Governor General delivers in the following Minute:

“ The Governor General recommends the following fixed Establishment for the Office proposed in his Minute of the 1st Instant:



“ Establishment for the Office.

“ Mr. David Anderson } Superintendants, }	2,400
“ Mr. George Bogle } at 1,200 R <sup>s</sup> each }	
“ Persian Translator — — —	200
“ Writers — — —	300
“ Office Rent — — —	400
“ Candles and petty Charges — — —	50
	<u>3,350</u>

“ Native Officers.

“ A Peishcar.	
“ A Naib — — —	250
“ A Sheristadar — — —	100
“ Five Persian Moheriers, at 50 — — —	250
“ 5 Bengal D <sup>o</sup> , at 40 — — —	200
“ 2 Moonshies — — —	150
“ 2 Ditto — — —	60
“ A Head Moherir, for translating — — —	100
“ 2 Under Moherirs — — —	80
“ A Merdah — — —	20
“ 10 Peons — — —	40
“ A Jemtdar — — —	15
“ 10 Hircarrahs — — —	50
“ 2 Dufterbunds — — —	10
“ 2 Frashes — — —	8
“ A Muffalchy — — —	5
“ A Sharoo — — —	3
“ Oil, Candles, &c. — — —	30
“ Paper, Pens, &c. — — —	100
	<u>1,471</u>
	<u>4,821</u>

“ Occasional Aumiens, and other incidental Charges.

“ These cannot be fixed, nor estimated.

“ He has affixed the Names of the Gentlemen whom he wishes to be nominated to the Superintendence of this Establishment, because he considers them as essential Parts of it, having made Choice of them as Persons endowed both with Talents and Knowledge peculiarly adapted to the Duties assigned them, and on whose Dispositions he can entirely depend for their cordial Agreement with each other in the Discharge of them. He recommends Mr. Henry Vansittart to be the Persian Translator. He also recommends that the Office of Peishcar be assigned to Gunga Govind Sing, the Naib Dewan of the Khalsa, and that he be allowed 700 Rupees per Month for his Salary as Naib Dewan of the Khalsa only, none having been yet allotted to that Station.

“ The known Abilities of Gunga Govind Sing will justify the Preference shewn to him in this Appointment. The Business in its Detail must be conducted by a Peishcar. The Gentlemen to whom the Governor General proposes to commit the Direction of it, will think it no Degradation from their Characters, of which no Man can have an higher Estimation than he has, or a more perfect Reliance on their Integrity, if he expresses it as his Opinion, that the greatest Experience which can fall to the Lot of any Covenanted Servant of the Company will prove unequal to the minute Investigation of all the progressive Operations of the Revenue in this Country, without the Aid of that professional Knowledge which is possessed by the Native Muttaluddies of Bengal, of whom Gunga Govind Sing is incontestibly the First.

“ For the Re-imbursement of the Charges of this Office, should the Amount prove so considerable as to require it, a small Fee may be taken on each Amil-nama or Cabooleat to be granted in the future Settlement, which will not affect the Jumma, nor be felt at such a Time by those who will be required to pay it.

“ (Signed) Warren Hastings.

“ Mr. Barwell—I approve.

“ Mr. Francis—My Objections to the Measure itself have been stated at large. As they have been over-ruled by a Resolution of the Board, I shall make no others.

“ Resolved, That the Office be established, and the Appointments made, as proposed by the Governor General.”

The Establishment of this Office, and the Measures which were pursued in consequence of this Establishment, were the Subject of much Discussion in the Council General. And Your Committee observe, that upon some Matter of Information which the Governor General thought necessary to obtain, he submitted, in a Minute of the 26th March 1777, several Questions to Gunga Govind Sing, the Naib Canongoe; which Questions, with their Answers, appear in the Appendix, N<sup>o</sup> 15.

Your Committee observe, that Mr. Francis, in a Reply to the Governor General's Minute dated the 28th of the same Month, thus expresses his Opinion:

"Gunga Govind Sing, to whose Evidence in any of the present Questions I think the Governor General should not have appealed, since he is in fact the Author of the Scheme, and the principal Instrument to carry it into Execution."

And in the same Minute Mr. Francis afterwards adds: "I have already observed, that Gunga Govind Sing is a Party to the present Inquisition, and a principal Actor in it; he is immediately interested in the Institution of the new Office, and the Person most likely to be benefited by the Prosecution of the Business."

Your Committee find, that the Disapprobation of the Court of Directors, and the Orders which in consequence were sent to Bengal at that Time, prevented the further Execution of the Governor General's Plan, as will appear by the Letter of the Governor General and Council, dated the 18th November 1777.

Your Committee in this Place beg Leave to observe, that the Court of Directors, in their General Letter to the Governor General and Council of Bengal, dated 5th February 1777, make use of the following Words:

"If you are fully convinced that the Establishment of the Provincial Councils has not answered, nor is capable of answering the Purposes intended by such Institution, we hereby direct you to form a new Plan for the Collection of the Revenues, and to transmit the same to us for our Consideration."

But Your Committee do not find that any such Plan was formed, or if formed, was received by the Court of Directors, until they received the Papers communicated to them by Major Scott, the Agent of Mr. Hastings.

In examining this Plan of the Governor General, Your Committee observe, that the Exercise of the Duties of the Office of Roy Royan, which constituted a principal Part in that which he intended to be permanent, if not absolutely annihilated, is rendered of very little Consequence; as appears by the following Extracts from a Letter of the Committee of Revenue to the Governor General and Council.

"That it appears to the Committee, that as the Roy Royan was originally dependant on the Board of Revenue, and directed to attend there, he should also be now considered as an Officer under the Supreme Council.

"That in this Capacity, his Duty will still consist in countersigning all such Persian Papers and Orders as are executed by the Supreme Council, or by the Honourable the Governor General.

"That he may be the better enabled to carry into Execution such Orders as he shall receive from the Supreme Council or Governor General, he be still allowed to call upon the native Officers under the Committee, for Copies of such Papers in the different Serishtas, as he may require."

Your Committee observe several of the subsequent Regulations to be as follow:

"That as the Supreme Council have thought proper to appoint a Dewan to the Committee, it will be the Duty of the Dewan to countersign the Papers executed by them, and carry into Execution such Orders as are given to him, and such Duties as appertain to his Office; to be present at the Meetings of the Committee, and sit with them to receive their Orders, and to attend the President occasionally, and to report such Matters to him as require his Orders, which he is to obey.

"That the Roy Royan therefore shall not be allowed to interfere in the Business transacted by the Dewan of the Committee, as such Interference would occasion frequent Disputes, and great Delay in the Business, which each would ascribe to each other.

"That the Duty formerly vested in the Roy Royan, of superintending the Conduct of the Provincial Dewans, of receiving Accounts from them in the Bengal Language, and of issuing Counterparts of the Orders which the Board of Revenue should expedite to the Collectors, will now become unnecessary.

"That with respect to such Provincial Dewans as remain in the Districts where Collectors are stationed, they should continue to act under the Direction of those Collectors, to whom the Committee will expedite their Orders.

"That with respect to such Provincial Dewans and Naibs as reside in Districts where there are no Collectors, the Committee will also issue their Orders to them, through their President; and such Orders are to be countersigned by the Dewan of the Committee.

"That the Collectors be accordingly directed to address the Persian and Bengal Copies of such Accounts as they shall send to the Committee, to the Dewan of the Committee; and that Orders be issued to the Provincial Dewans and Naibs who reside in Districts where there are no Collectors, to adopt the same Mode of Address."

Your Committee apprehend, that as the executive Business of the Collections will in future be conducted by the Committee of Revenue, the Roy Royan's Duty of countersigning all such Persian Papers and Orders as are executed by the Supreme Council, or by the Governor General, will amount very nearly to a Sinecure.

Your Committee cannot but observe that this Dewan, so appointed, is entrusted with great Authority indeed, nothing less than the countersigning all the Papers executed by the Committee, and carrying into Execution such Orders as are given to him, and such Duties as appertain to his important Office of Dewan; he is to be present at the Meetings of the Committee, and to sit with them; to receive their Orders, and to attend the President of that Committee occasionally, and to report such Matters to him as require his Orders, which Orders he is to obey.

A new Appointment, and with an Authority so extensive as to pervade the whole Collection of the Revenue throughout all the Dependencies of Bengal, induced Your Committee to examine very particularly who was the Person proposed for this most important Office.

Mr. Harwood in his Examination mentions Gunga Govind Sing as being dismissed from an Office he formerly held under the Calcutta Provincial Committee; but whether as Dewan or Naib Dewan he could not remember; and that he believed the Cause of his Dismissal arose from some Misconduct and Disagreement with some of the Members of that Committee.

Such Information induced Your Committee to examine more particularly into the Conduct and Character of the Man, who, by the new Institution, was appointed the Supreme Native Officer over the whole Collections of Bengal.

Your Committee find, That a Complaint was preferred against this Man to the Governor General and Council by Comaul ul Dien Cawn, the Renter of the Salt Farms of Hedgeley, who having received an Advance of 60,500 Rupees from the Committee of Bengal, for the Purpose of carrying on his Salt Works, the Dewan, Gunga Govind Sing, collusively took 26,000 Rupees; and after an Examination before their Board upon this Accusation, he was dismissed from his Employment.

Your Committee observe, That there was a Difference of Opinion in Council on this Subject; the Majority of the Council, consisting of General Clavering, Colonel Monson, and Mr. Francis, in their Minutes, represent Gunga Govind Sing as a Man of a very rapacious and corrupt Disposition, and of infamous Character; the Governor General and Mr. Barwell, in their Minutes, do not think him deserving the Character given of him by the Majority.

Mr. Francis, in a Minute of March 1777, represents Gunga Govind Sing as the Author of a Plan of Inquisition into the Revenue, as a principal Actor, as the Person most immediately interested in it, and most likely to be benefited by the Prosecution of his Plan.

Your Committee apprehend, That the strong and pointed Disapprobation of the Court of Directors to the Plan itself, induced the Governor General to postpone the further Execution of it at that Period.

Your Committee find, That the Council General, consisting only of the Governor General (Mr. Hastings) and Mr. Wheeler, in direct Disobedience to the Orders of the Court of Directors, resolved, on a sudden, to recall all the Provincial Councils from their several Stations, and to form a Committee of Revenue, resident at Calcutta, to conduct the whole Administration of the Revenues; and that the Roy Royan's Office was rendered a Sinecure, in order to place all the Weight of Authority in the Hands of the Dewan of the Committee of Revenue; and that the Person appointed to be that Dewan is Gunga Govind Sing.

Your Committee are of Opinion, That the Character of a Man appointed to such a great and important Trust, in a new Establishment, which is declared to be a permanent one, will have some small Weight in the Opinion which may be formed of such an Establishment; they have therefore, for the Information of the House, entered at large in their Appendix, N<sup>o</sup> 17, all the Proceedings relative to the Accusation, Justification, and Dismissal of Gunga Govind Sing.

Your Committee find, in a Letter of General Clavering's of the 9th January 1777, to the Court of Directors, the following Representation.

*"In short, nothing can more clearly prove the complete Independency of the Governor General's present Power, or the Non-existence of any Cause for Apprehension that he may be interrupted in the prosecuting his present Plan, than the total Ignorance that Government is actually in of his Correspondence with the Provincial Councils and Aumeens: Their Agents, who are already dispersed through the Districts, may assume whatever Power they please, uncontrouled; their Conduct cannot be checked in any Instance by the Provincial Councils, who are the only Delegates of Government in the Districts, seeing that their Instructions have not been communicated to them. Such uncontrouled Power and unlimited Dependence, placed upon these Agents, would naturally suggest the Idea, that the Governor General's Confidence in them had been formed by the Experience that he had of their Services and official Probity; yet if we look for his Opinion as it stands on Record, we shall find him on all Occasions expressing the utmost Contempt of their Character and the Exercise of their Functions."*

Your Committee cannot avoid remarking the Opinions of General Clavering concerning the independent Power exercised by the Governor General throughout the Provinces, when the Government was kept in a State of total Ignorance, not only of his Correspondence with the Provincial Councils, but also of that of the Aumeens, who were employed under the Governor General's sole Orders in every District. The Establishment of Provincial Councils appears to have at least this good Effect; all Matters of Revenue were conducted by a Board, who were obliged regularly to enter their Proceedings in Consultations, and those Consultations were, at stated Periods, sent to

Calcutta, that the Government might have the Materials to form their Opinions on such Proceedings. And Your Committee find, that these Consultations from the Provincial Councils are annually transmitted to the Court of Directors; so that should even the Government of Calcutta be negligent of their Duty, the Company have the Materials to correct the Negligence of the one and the Misconduct of the other: If then the Correspondence with the Provincial Councils is carried on solely by the Governor General, as appears to have been the Fact in 1777, or whether the Provincial Councils be recalled, as appears to be the Fact in 1781; the Members of the Council General are deprived of all those Documents which enabled them to form their Judgment upon Revenue Matters, and the Court of Directors will in future be kept in the most profound Ignorance of every Circumstance, beyond what the Governor General and his Council shall choose to communicate in their General Letters.

The Evidence before Your Committee has contributed very much to strengthen their Opinion upon the evil Consequences which must inevitably result from this Change of System. By constituting a Board of Revenue, the whole immediate Management of the Collections is removed from the Council General to a Committee of Revenue, who are indeed to report to the Council General, Monthly, or as often as any extraordinary Occurrences, Claims, or Proposals, may require, the special Orders of the said Board. But, it must be remarked, that "it is not expedient that every dissentient Opinion shall be recorded; and even when any Reference is made to the Governor General and Council, the Determination of the Majority of the Committee is not to be stayed, unless it should be so agreed by the Majority."

But in another Point of View Your Committee conceive this new Institution to be highly exceptionable: Hitherto the Council General have been held responsible to the East India Company for all Acts done by their Board, in the Management and Collection of the Revenues of Bengal, &c. But if this new Institution should be suffered to exist, if this Delegation of their most important Trust should receive the least Sanction from the East India Company, Your Committee are of Opinion that it might open a Door to the most vexatious and extravagant Abuse of Power and Authority, without the least Possibility of Check or Controul. A Governor General substitutes his own Instruments to be the Managers and Collectors of the Public Revenue, their Orders are decisive, the Responsibility rests with them, and no Dissents are entered in their Proceedings.

Your Committee are of Opinion, That no such Power ought to be lodged in any Man, much less in a Country so distant from the Seat of Empire, and thereby Redress for Injuries becoming a Matter very difficult to be obtained.

Your Committee have Occasion to observe, that when any new Change is projected in the Revenue System of Bengal, that an Increase of Revenue is generally held out to the India Company, as the most likely Means to ensure their Approbation to the Measure.

In the Postscript of the Governor General and Council's Letter, of the 5th May 1781, the same Expectations are repeated to the Directors; as will appear by the Three following Papers, transmitted by the Governor General and Council.

ESTIMATE of what the Savings in the Revenue Department will be, when the Retrenchments are all effected by the Committee of Revenue; and also of the Gain that will arise from the permanent Plan, formed in February 1781, for the Administration of the Revenues.

Actual Savings by Retrenchments already made, as per Paper N° 5. — S <sup>r</sup> R <sup>r</sup>	12,09,673 11 12
Further	
Deductions from the Charges of Collecting, to be made as soon as the Collections can be brought down to Calcutta, and the Chiefs and Collectors withdrawn — — — — 6,00,000 — —	
Deductions to be made from the Allowances to the Zemindars, which will be done by Degrees, and which, when completed, may amount to — — — — 7,00,000 — —	
Reduction of Phoufdarry Charges, in consequence of the Abolition of the Phoufdarry Jurisdiction, in lieu of which the Zemindars are made answerable for the Peace and Quiet of their Zemindaries — — — — 4,00,000 — —	
	17,00,000 — —
	S <sup>r</sup> R <sup>r</sup> 29,09,673 11 12
Deduct for the Establishments under the Committee of Revenue at Calcutta, &c. — — — — 5,00,000 — —	
	S <sup>r</sup> R <sup>r</sup> 24,09,673 11 12
Nett Savings — — — — Increase on the Settlements, estimated at — — — —	27,00,000 — —
Total Gain by the Plan — — — — Sicca Rupees	51,09,673 11 12

COMPARATIVE STATE of the Expences of collecting the Revenues of 1186, with the new Establishment for the Revenue Department.

Divisions.	Actual Expences of 1186 or 1779-80.	New Establishment.	Difference.
Burdwan — —	10,49,098 5 9 —	3,73,749 6 6 —	6,73,348 15 3 —
Calcutta — —	9,93,719 8 11 2	4,33,699 14 3 —	5,60,019 10 8 2
Chittagong — —	93,187 1 — —	58,815 8 16 —	34,371 8 4 —
Dacca — —	4,15,021 9 12 2	2,10,373 13 2 —	2,04,647 12 10 2
Purnea — —	5,78,650 8 4 1	48,480 — — —	5,30,170 8 4 1
Moorshedabad — —	10,42,951 8 9 1	4,93,179 — 4 —	5,49,772 8 5 1
Ragemahal and Boglepore — —	1,28,619 11 6 —	83,612 4 8 —	45,007 6 18 —
Rungpore — —	1,95,934 4 18 3	64,269 11 3 —	1,31,664 9 15 3
Silburris — —	20,735 3 19 2	18,000 — — —	2,735 3 19 2
Futty Sing — —	23,833 11 — —	19,200 — — —	4,633 11 — —
Ramgur and Jungle Terry — —	49,011 — 5 —	31,320 — — —	17,691 — 5 —
Midnapore — —	78,970 15 18 —	39,108 — — —	39,862 15 18 —
Patna — —	3,74,509 5 1 3	1,39,361 4 — —	2,35,148 1 1 3
Sircar Sauren — —	99,551 12 5 —	48,456 14 — —	51,094 14 5 —
Sylhet — —	40,751 10 6 2	20,429 12 14 —	20,321 13 12 2
Sicca Rupees	51,82,546 4 7 —	20,82,055 8 16 —	31,00,490 11 11 —

COMPARATIVE





Brought over	—	—	—	—	—	Rupees	16,80,816	15	19	120,82,055	8	16	51,82,546	4	7
<p>Allowance for Moonshies Diet, &amp;c.  These Allowances being ordered to be paid by the Buxey in Calcutta, they are left out of the Establishment; they will amount to about</p>															
							10,000	—	—						
<p>Contingencies.  Poolbundy.  The Expenses of Lushkorpore Pools being uncertain, there being no Contract or fixed Rate, they could not be inserted in the Establishment, but may be estimated at  There are many other Expenses, such as Travelling Charges, Charges on Remittance of Treasure, Hoondcan Diet to Prisoners, &amp;c. which it is impossible to insert in the Establishment, because they cannot be exactly ascertained or fixed at the Commencement of the Year, but as they will be unavoidably incurred, they are here added, and estimated at</p>															
							1,00,000	—	—						
							1,00,000	—	—						
							2,00,000	—	—						
										18,90,816	15	19	39,72,872	8	15
Total Savings by the proposed Establishment, estimated at											— Sicca Rupees				
													12,09,673	11	12

(N° 5.)

ACCOUNT, shewing the particular Articles on which Retrenchments have been made by the proposed Establishments;

	On Charges Collections and General.					On Charges Zemindarry.					On Charges Buildings and Repairs.			Total Retrenchments.
	Charges Collections and General, disbursed in the Year 1886, or 1879 So.	As per proposed Establishments.			Retrenchments in the Articles of Charges Collections and General.	Charges Zemindarry, disbursed in the Year 1886, or 1879 So.	As per proposed Establishments.			Retrenchments in the Articles of Charges Zemindarry.	Charges Buildings and Repairs, disbursed in the Year 1886, or 1879 So.	Charges Buildings and Repairs, as per proposed Establishments.	Retrenchments in the Articles of Charges Buildings and Repairs.	
		Charges Collections and General, as per proposed Establishments.	Add Charges Dewanny and Foudrarry Allowance, Diet Money, Inspection of Opium, Law Charges, &c. which were formerly inferred in the Article of Charges Collections, but are now ordered to be drawn for under separate Heads.	Total of Charges, as they will be disbursed, under the Head of Charges Collections and General, under 6, para B. Ch., for the ensuing Year 1888.			Charges Zemindarry, as per proposed Establishments.	Add Charges Zemindarry, not included in the Establishment, but are to be deducted from the Gross Summa of the Districts paying their Rents into the Khalish.	Total Charges Zemindarry, as they will be disbursed for the ensuing Year 1888.					
Burdwan	2,50,898 2 1	1,42,700 9 2	—	—	—	7,87,533 7 18	2,31,048 13 4	—	—	—	8,666 11 10	—	—	—
Calcutta	5,48,197 2 16 2	47,376 —	—	—	—	4,41,222 5 15	3,86,323 14 3	—	—	—	4,300 —	—	—	—
Chittagong	82,607 — 15	54,744 —	—	—	—	4,373 2 15	4,071 8 16	—	—	—	6,206 13 10	—	—	—
Dacca	2,54,856 12 12 3	56,328 —	—	—	—	1,59,864 12 19 3	1,54,045 13 2	—	—	—	300 —	—	—	—
Purnea	2,99,184 10 16 3	48,480 —	—	—	—	2,78,495 3 7 2	—	—	—	—	970 10 —	—	—	—
Moorshedabad	5,98,847 14 12 1	1,38,710 —	—	—	—	4,37,770 4 10	3,54,469 4 —	—	—	—	6,333 5 7	—	—	—
Ragemahal and Boglepore	94,638 10 12	52,434 13 —	—	—	—	33,981 — 14	30,518 1 8	—	—	—	—	659 6 —	—	—
Rangpore	97,917 2 19 3	40,139 7 12	—	—	—	97,101 12 13	24,130 3 11	—	—	—	915 5 6	—	—	—
Silburnis	20,735 3 19 2	18,000 —	—	—	—	—	—	—	—	—	—	—	—	—
Fatty Sing	13,833 11 —	9,200 —	—	—	—	10,000 —	10,000 —	—	—	—	—	—	—	—
Rangpur and Jungle Teny	47,558 15 10	31,320 —	—	—	—	1,452 — 15	—	—	—	—	—	—	—	—
Midnapore	72,222 10 18	37,008 —	—	—	—	—	—	—	—	—	6,748 5	1,200 —	—	—
Patna	3,26,526 1 1 3	45,692 10 —	—	—	—	44,845 —	93,668 10 —	—	—	—	3,138 4 —	—	—	—
Siccar Sauron	67,910 7 10	25,434 6 —	—	—	—	31,641 4 15	23,022 8 —	—	—	—	—	—	—	—
Tylhet	29,966 3 3	11,395 13 2	—	—	—	10,510 7 3 2	9,033 15 12	—	—	—	275 —	—	—	—
Sicca Rupees	28,05,900 14 8 1	7,59,863 10 16	10,22,987 10 —	17,82,851 4 14	10,23,049 9 12 1	23,38,790 15 5 3	13,20,332 8 —	8,67,829 5 19	21,88,161 13 19	1,50,629 1 6 3	37,854 6 13	1,859 6 —	35,995 13 —	12,09,673 11 12



Upon Examination of these Estimates and Accounts, Your Committee thought it highly expedient to summon Messrs. Harwood and Baber, who had been Chiefs of the Provincial Councils of Dinagepore and Muxadabad, as to the Probability of any Increase in the Revenue, or Decrease in the Expence of Collection, or Deduction from Allowances to the Zemindars. Their Evidence, already entered, is so full and complete on this Subject, that Your Committee cannot help requesting the Attention of the House to it; for in very precise Words it contradicts the Expectations held out in the whole Estimates and Accounts, of great future Increase of Revenue, Mr. Harwood stating, that most of the Districts were rated as high as they could well bear; and Mr. Baber's Evidence states, that he does not think, if a new Assessment was to be made of the Muxadabad District, that it would admit of a considerable Increase.

And in order to enable the House to form a clear decided Judgment upon the State of the Revenue of Bengal, Your Committee now submit to their Inspection the following Papers and Accounts:

Extract of a Letter from Mr. Charles Croftes, Accountant General to the Revenue Department in Bengal, to the Governor General and Council, dated 18th July 1777.

Honourable Sir, and Gentlemen,

In consequence of the Orders received from your Assistant Secretary, I have the Honour to submit to you the following Accounts; viz.

1st. An Account of Remissions and Balances of the Settlement of the last Five Years, distinguishing each:

2d. An Account Demand, Receipts, and Balances, for the Bengal Year 1183, and Bahar Year 1184.

Fort William,  
18th July 1777.

I have the Honour to be, with profound Respect,

Hon<sup>ble</sup> Sir, and Gentlemen, &c.

(Signed)

Charles Croftes,  
Acco<sup>t</sup> Gen<sup>l</sup> to the Rev. Dep<sup>t</sup>.

Enclosure.

ABSTRACT of Remissions and Balances of the Settlement of the last Five Years.

		Remissions.			Balances.			Since collected.			Actual Balance.
1772-3	Bengal Y <sup>r</sup> 1179, or Bahar Y <sup>r</sup> 1180.										
	Dewanny	5,02,953 5 11	—	—	31,59,026 1 12 1	—	—	5,12,014 8 2	—	—	
	Ceded Lands	2,21,420 10 18	—	—	2,82,289 13 9	—	—	—	—	—	
	Subah Behar	5,70,385 1 5	—	—	2,51,693 14 —	—	—	—	—	—	
				12,94,759 1 14		36,93,009 13 1 1		5,12,014 8 2			
1773-4	B <sup>r</sup> Y <sup>r</sup> 1180, or B <sup>r</sup> Y <sup>r</sup> 1181.										
	Dewanny	7,77,122 5 9 3	—	—	25,62,077 10 7	—	—	4,05,437 10 19	—	—	
	Ceded Lands	84,961 3 14	—	—	10,39,359 2 18	—	—	10,829 — —	—	—	
	Subah Behar	7,19,461 15 15	—	—	1,15,6,395 4 15	—	—	25,919 10 —	—	—	
				15,81,545 8 18 3		37,57,832 2 —		4,42,186 4 19			
1774-5	B <sup>r</sup> Y <sup>r</sup> 1181, or B <sup>r</sup> Y <sup>r</sup> 1182.										
	Dewanny	23,33,000 13 9	—	—	20,02,913 3 12 3	—	—	10,37,557 11 11 1	—	—	
	Ceded Lands	1,23,639 — 15 1	—	—	7,54,299 7 15	—	—	6,51,446 — 8	—	—	
	Subah Behar	1,10,780 1 10	—	—	1,38,887 15 5	—	—	73,795 9 5	—	—	
				25,67,419 15 14 1		28,96,100 10 12 3		17,62,799 5 4 1			
1775-6	B <sup>r</sup> Y <sup>r</sup> 1182, or B <sup>r</sup> Y <sup>r</sup> 1183.										
	Dewanny	26,30,641 — 14 2	—	—	15,55,831 11 7	—	—	10,76,481 12 2 2	—	—	
	Ceded Lands	1,41,672 14 — 2	—	—	7,11,063 3 15 1	—	—	7,21,599 — 7	—	—	
	Subah Behar	2,53,539 — 15	—	—	4,53,109 13 5	—	—	1,57,176 13 5	—	—	
				30,25,853 — 2		27,20,004 12 7 1		19,55,257 9 14 2			
1776-7	B <sup>r</sup> Y <sup>r</sup> 1183, or B <sup>r</sup> Y <sup>r</sup> 1184, (estimated, but unadjusted.)										
	Dewanny	30,50,000 — —	—	—	30,13,358 — —	—	—	8,08,657 5 — 2	—	—	
	Ceded Lands	60,000 — —	—	—	9,44,230 — —	—	—	4,40,333 9 7	—	—	
	Subah Behar	3,00,000 — —	—	—	17,22,624 — —	—	—	—	—	—	
				34,10,000 — —		56,80,212 — —		12,48,990 14 7 2			
				1,18,79,577 10 9		1,87,47,159 6 1 1		59,21,248 10 7 1			
											1,28,25,910 11 14

N. B. The Collections of Subah Behar do not close till September next, therefore the better Part of R<sup>y</sup> 17,22,624 must be expected; more may be also expected, from the Dewanny and Ceded Lands, of the Balances of the last Year.

Fort William, 18th July 1777.

Errors excepted. Charles Croftes, Account<sup>t</sup> Gen<sup>l</sup> to the Rev<sup>d</sup> Dep<sup>t</sup>.

TOWJEE,

TOWJEE, or Account Demand, Receipts, and Balances, of the Dewanny, Ceded Lands, and Subah Behar, for the Bengal Year 1183, or Behar Year 1184, English Style 1776-7.

	Demand or Towjee for the Year 1183.	Receipts for the Year 1183.	Balance.
<b>Dewanny Subah Bengal.</b>			
Moorshedabad Division —	38,71,123 13 13	37,62,163 13 6	1,08,960 — 7
Dinagepore D° —	35,44,390 14 13 3	30,50,527 6 5 2	4,93,863 8 8 1
Dacca and Sylhet D° —	35,45,445 4 19 3	26,88,775 2 16	8,56,670 2 3 3
Burdwan — D° —	10,84,970 4 1	9,26,257 13 8	1,58,712 6 13
Calcutta — D° —	33,92,260 9 17	22,59,040 3 15	11,33,220 6 2
Rajmehal and Boglepore D° —	5,18,069 8 11	3,14,527 6 14 2	2,03,542 1 16 2
Chittagong and Tipperah D° —	1,53,000 — —	1,50,071 13 2	2,928 2 18
Jungle Terry — —	55,461 12 2	— —	55,461 12 2
Rupees —	1,61,64,722 3 17 2	1,31,51,363 11 7	30,13,358 8 10 2
<b>Ceded Lands.</b>			
Burdwan — —	44,59,689 1 10	37,78,065 15 2	6,81,623 2 8
Calcutta — —	12,08,950 11 18	9,90,924 5 14	2,18,026 6 4
Chittagong — —	4,89,125 14 13	4,44,545 6 5	44,580 8 8
Rupees —	61,57,765 12 1	52,13,535 11 1	9,44,230 1 —
<b>Subah Behar.</b>			
Patna — Rupees —	44,74,902 1 —	27,52,277 4 —	17,22,624 13 —
<b>Abstract of the above Account.</b>			
Dewanny — S° R°	1,61,64,722 3 17 2	1,31,51,363 11 7	30,13,358 8 10 2
Ceded Lands — S° R°	61,57,765 12 1	52,13,535 11 1	9,44,230 1 —
Subah Bahar - S° and Son° R°	44,74,902 1 —	27,52,277 4 —	17,22,624 13 —
Rupees —	2,67,97,390 — 18 2	2,11,17,176 10 8	56,80,213 6 10 2

N. B. The Collections of Subah Behar do not close till September next, therefore the better Part of R° 17,22,624 must be expected; more may be also expected from the Dewanny and Ceded Lands, of the Balances of the last Year.

Fort William, 18th July 1777.  
Errors excepted.

(Signed)  
Charles Croftes,  
Acco' Genl to the  
Rev. Dep'





ABSTRACT of the Demand, Collections, Balances, and Remissions, of the Revenues of Bengal, during the Five Year Lease, from May 1772 to April 1777; distinguishing each Year.

	1772 — 1773.				1773 — 1774.				1774 — 1775.				1775 — 1776.				1776 — 1777.			
	Demand.	Collections.	Balances.	Remissions.	Demand.	Collections.	Balances.	Remissions.	Demand.	Collections.	Balances.	Remissions.	Demand.	Collections.	Balances.	Remissions.	Demand.	Collections.	Balances.	Remissions.
Dewanny — —	171,30,719	199,17,531	12,13,188	4,67,184	184,08,347	167,42,221	16,66,126	4,39,322	177,55,180	165,91,285	11,63,895	4,82,736	172,69,586	151,55,558	9,54,218	4,07,341	176,30,014	158,65,961	17,64,053	5,29,099
Ceded Lands — —	69,48,652	67,34,715	2,13,847	93,419	68,83,945	63,94,327	4,89,618	3,26,908	69,88,433	63,77,329	1,11,044	35,806	70,09,392	67,83,414	2,33,978	41,240	66,83,469	61,70,921	4,82,548	49,012
Subah Behar — —	44,86,341	43,83,435	1,02,906	1,02,906	41,10,716	40,43,712	67,004	67,004	45,35,089	44,10,795	1,24,294	1,24,294	46,16,280	42,13,490	3,97,790	3,97,023	44,47,817	43,83,264	64,573	7,795
Total Rupees — —	285,65,622	270,35,681	15,29,941	6,63,509	294,03,008	271,80,250	22,22,748	8,33,234	292,78,642	278,79,459	13,99,181	6,42,836	288,95,258	251,52,472	15,75,986	8,45,604	287,31,330	264,20,146	23,11,184	5,85,906

East India House,  
29th June 1782.

(Errors excepted)

John Annis,  
Auditor of Indian Accounts.

AN ABSTRACT STATE of the Bundooft or Settlement of the Revenues of Bengal, Bahar, and Orissa, made for Five Years, in the Year 1772; with the Collections actually made thereon, and Balances remaining uncollected at the Conclusion of the Term, and to the latest Advices from India.

	Gross Settlement for Five Years.	Remissions granted on that Settlement.	Remaining Demand.	Add Half-yearly Waikof, or Unestimated Collections in the Court for the Year, never included in the Juma.	Net Demand.	Collections on Account the Demand.	Balance in Arrears on Account the Demand.	Amount remitted from that Balance.	Actual Net Balance in Arrears.			
									Accountable.	Doubtful.	Irrecoverable.	Total.
	Sicca Rupees.	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .	S <sup>r</sup> R <sup>r</sup> .
Dewanny — —	973,38,575 13 2	95,93,150 11 13	8,79,45,425 1 10 2	248,375 5 —	881,93,800 4 10 2	814,32,368 4 — 1	67,61,432 — 10 1	23,25,682 14 2 3	436,042 6 11 2	740,802 2 4 2	32,08,904 9 11 2	44,35,749 8 7 2
Ceded Lands — —	334,49,144 5 4 1	6,76,537 14 — 2	327,72,616 7 3 3	17,11,188 9 10	344,83,805 — 13 3	329,62,757 8 16 2	15,21,047 7 17 1	546,387 5 10 1	374,484 — 11	179,066 3 3	421,110 — 13	974,660 4 7
Subah Behar, S <sup>r</sup> and Son <sup>r</sup> R <sup>r</sup>	236,86,644 15 —	20,68,482 7 5	216,18,162 7 15	5,78,101 4 15	221,96,263 12 10	214,39,696 1 5	756,567 11 5	699,023 1 10	10,045 3 5	— —	47,199 6 10	57,544 9 15
Total Sicca and Son <sup>r</sup> Rupees	1544,74,365 1 7 3	121,38,161 — 18 2	14,23,36,204 — 9 1	25,37,665 1 5	14,48,73,869 1 14 1	13,56,34,821 14 1 3	90,39,047 3 12 2	35,71,093 3 3	870,571 10 7 2	919,868 5 7 2	36,77,514 — 14 8	54,67,854 — 9 2

Memorandum—The Account of which the above is an Abstract, is dated 28th November 1780.

East India House,  
29th March 1782.

(Errors excepted)

John Annis,  
Auditor of Indian Accounts.



By these Accounts, the House will perceive,

	Rupees.
That from the original Statement, Remission was made of	— — 1,21,38,161
That at the Expiration of the Five Years, the Balance in Arrear of the remaining Demand amounted to 90,39,047, and that from this Balance was also remitted	— — 35,71,093
Total Remissions,	— 1,57,00,254
The Balance of Arrears then remaining,	— 54,67,954 9 4
	2,11,68,208 9 4

This last Balance is thus stated by the Governor General and Council :

Recoverable,	—	—	8,70,571	7	2
Doubtful,	—	—	9,19,868	7	2
Irrecoverable,	—	—	36,77,514	14	2
			54,67,954	—	—

Your Committee must remark, That the Account of the Collections of the Five Years, ending in 1776-7, is extracted from an Account dated 28th November 1780 ; and therefore Your Committee apprehend very little has been or will be recovered of those Balances above mentioned ; and in this Opinion they are confirmed by the Evidence given in the Fourth Report of the Committee of Secrecy of this House in the Year 1772 : Which is as follows ;

“ And Your Committee having examined Henry Verelst, Esquire, Richard Becher, Esquire, and James Alexander, Esquire, in order to explain the foregoing Account : And, first, with respect to the Arrears at the End of each Year, they informed Your Committee, that a Part of the Arrears of the preceding Year may sometimes be collected in the subsequent Year, but rarely the Whole : That the Arrears of any former Years ought in general to be considered as desperate Debts ; and that they have been wholly or in Part remitted, or ordered to be written off.”

Your Committee ordered to be laid before them the following Paper :

An A B S T R A C T S T A T E of the Bundobust or Settlement of the Provinces of Bengal, Bahar, and Orissa, for the Years 1778 and 1779, with the Collections actually made thereon.

Bengal Year 1184, or Bahar Year 1185.							Bengal Year 1185, or Bahar Year 1186.						
Gross Settle- ment.	Remissions granted on that Settle- ment.	Remaining Demand.	Husbool Wuf- fool, or Unesti- mated Collec- tions in the Course of the Year, never included in the Jumma.	Nett Demand.	Collections on Account the Demand.	Balance in Arrears on Account the Demand.	Gross Settle- ment.	Remissions granted on that Settle- ment.	Remaining Demand.	Husbool Wuf- fool, or Unesti- mated Collec- tions in the Course of the Year, never included in the Jumma.	Nett Demand.	Collections on Account the Demand.	Balance in Arrears on Account the Demand.
S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .	S <sup>a</sup> and Son <sup>t</sup> Rup <sup>s</sup> .
280,54,674	—	250,54,674	169,943	282,24,617	269,43,523	12,81,094	274,08,927	190,815	272,18,112	237,474	274,55,586	262,36,020	12,19,566

East India House,  
4th July 1782.

Errors excepted,  
John Annis,  
Auditor of India Acco<sup>n</sup>.

From this Abstract Your Committee find, That so far from any Part of the above large Balance of Arrears due on the Five Years Statement, being received, still further Balances of Arrears were incurred in the Two succeeding Years.

In 1777-8 there is a Balance of	—	—	—	12,81,094
1778-9 a Balance of	—	—	—	12,19,566

And Your Committee cannot avoid remarking, That whilst these Balances have arisen in the Two Years before mentioned, the Amount of the Collection of the Revenues in those Years is less than in any Period of the Five Years Lease, that of 1776 only excepted; as will appear by a Reference to the Statement under mentioned, taken from an Account hereinbefore inserted.

The Collections during the Five Years Lease were as follows :

1772-3	—	—	—	—	270,35,681
1773-4	—	—	—	—	271,80,260
1774-5	—	—	—	—	278,79,459
1775-6	—	—	—	—	273,19,272
1776-7	—	—	—	—	264,20,146

Your Committee must remark, That the Governor General and Council appear exceedingly anxious to remove from the Minds of the Directors every Idea that this total Change of System has arisen from a Love of Innovation, which, they say, "has been a Charge frequently laid against their Administration of those Provinces, &c. &c."

They declare, "That in no one Act of their Administration have they observed a greater Consistency, or a closer Attention to fixed Principles, than in this."

Your Committee have diligently examined into all their Proceedings, and are very far from observing either Consistency or Attention to fixed Principles in their Conduct; on the contrary, they have already stated to the House, that the Mode of Administration by Provincial Councils, was recommended in most pointed Terms by the Governor General, in his Minute of the 24th October 1774, and also by the Governor General and Mr. Barwell in their Letter to the Court of Directors of 22d April 1775, which accompanied their Plan for the future Management of the Revenue; and they have likewise remarked, that this System was still so much preferred before all others, that in 1776 it made Part of a Bill sent by the Governor General and Mr. Barwell to the Court of Directors, and with strong Recommendations from them to apply for the Sanction of Parliament to this Establishment.

Your Committee, in their Examination of the several competent Evidences before them, have not found one Trace of the Provincial Councils being formed upon the Plan of a temporary Establishment; they could not learn from Mr. Francis, that it was ever considered in that Point of View by the Governor General, nor was he ever consulted upon any Measure that tended to withdrawing those Provincial Councils, in order to substitute a more permanent System. But Your Committee find, That within less than Four Months after Mr. Francis's Departure, the Governor General, without any previous Enquiry by the Council General into the Advantages or Disadvantages of the Measure, suddenly resolved upon the Recall and Abolition of the Provincial Councils, after they have been established for almost Nine Years, and had received the Approbation of the Court of Directors: Your Committee consider this Act, in many Points of View, as a very unjustifiable and dangerous Innovation. They might, in support of their Opinion, quote the Governor General's own Words in the Minute of October 1774, "Innovations are always attended with Difficulties and Inconveniencies; Innovation in the Revenue, with a Suspension of the Collections; and a Change at this Season of the Year would be particularly dangerous, as the Time of the Payments is now approaching."

Your Committee must beg the Attention of the House to an Extract of a General Letter from Bengal, dated 3d November 1772, to the Court of Directors, and entered in the Appendix, N° 18. The Governor General was then of Opinion, "That whilst the controlling and executive Part of the Revenue, and the Correspondence with the Collectors, was carried on by a Council at Muxadabad, the Members of the Administration at Calcutta had no Opportunity of acquiring that thorough and comprehensive Knowledge which could only result from practical Experience." He then was of Opinion "that the Orders of the Court of Directors, which established a new System which enjoined many new Regulations and Enquiries, could not properly be delegated to a subordinate Council; it became absolutely necessary that the Business of the Revenue should be conducted under the immediate Observation and Direction of the Council."

And Your Committee must remark, That Mr. Francis being asked, Whether the Delegation of the entire Duty of the Council (on Matters of Revenue) with all its Powers, to a Committee of Four Persons, does tend to make the Governor General and Council better acquainted with the Nature of the Revenue, so as to prevent all Mismanagement in it? declares it to be his Opinion, That it will have an opposite Tendency. The Board now will not have the Revenue Business before them so constantly and regularly as they had before; they will not be called upon for Decisions in Revenue Questions, except upon particular References; the ordinary Business will be conducted without their Interposition, and



and probably without their Knowledge; for it depends upon the Temper and Inclination of the Members of the Council General to give such Attention to their Proceedings as may make them Masters of the Business. He said, That if the Board, confiding in the Committee, should for a considerable Time omit an Inspection of the Revenue, it would have a Tendency to disqualify them from the Execution of their controlling Power with Judgment and Effect; the Board would gradually lose the Thread of Revenue Business, and, after any considerable Interval, would find it difficult to recover it. He is of Opinion, That if the Members of the Committee of Revenue are not at Liberty to enter Dissents on their own Proceedings, or are discouraged from so doing, that the Members of the Council General will be precluded from a principal Source of Information: They will only see the final Resolution taken, and supported perhaps by Arguments *ex parte*, and know nothing of the Objections which may have been made to it; and that if such Proceeding tends to make the Revenue Business obscure to the Members of the Council General, it does and must produce that Effect in a still stronger Degree with the Court of Directors.

Your Committee were on the Point of closing their Report when they received the following Papers from the East India House; and as they immediately relate to the Collection of the Revenues of Bengal on the Plan lately adopted by the Governor General and Council, Your Committee have inserted them at large, as follows:

Postscript to Letter from the Governor General and Council, in their Revenue Department, dated 29th November 1780.

Since the closing of our Proceedings by this Dispatch, the Superintendent of the Khalsa Records has delivered in a Report, under Date the 21st of this Month, accompanying, among other Statements of your Revenues, a General Abstract of the Demand, Collection, and Balances, throughout the Three Provinces, for the last Twelve Months; which shews, that out of the territorial Rental (exclusive of Customs) amounting to Rupees 2,45,78,229. 8. 10. 1. there remained, at the Close of the Collections, a Balance of 12,38,192. 7. 9. 1, of which the Superintendent states, on the Opinion of the Provincial Councils and Collectors, the Sum of 7,97,277. 9. 10. 2. to be recoverable.

Fort William, 15th December 1780.

**GENERAL ABSTRACT of the Demand, Collection, and Balances, of the Territorial Revenue of the Provinces of Bengal, Bahar, and Orissa, for One Year (exclusive of Customs) viz. the Bengal 1186, and Bahar and Orissa Year 1187.**  
(Accompanying Khalfia Report.)

	Jumma Demand for the Current Year.	Balances of former Years included with the Current Year's Demand.	Total Jumma, or Demand.	Collected.	Balance.	Amount of Balance deemed recoverable.	Balance doubtful, or irrecoverable.
Bengal Year 1186, including those Places where the Year ends with Chytc, or 11th April 1780 — S' R.	1,850,413 9 15 —	8,93,966 4 8 —	1,93,95,379 14 3	1,88,91,556 1 12 —	5,03,823 12 10 2	2,00,391 9 17 3	3,03,432 2 12 3
Bahar and Orissa 1187, including Boglepore, Sylhet, and all other Places where the Year ends with Bhadoon or 11th Sept. 1780 —	60,76,815 14 15 1	— — —	60,76,815 14 15 1	53,42,447 3 16 2	7,34,368 10 18 3	5,96,885 15 12 3	1,37,482 11 6 —
Sicca and Sonaut Rupees	2,45,78,229 8 10 1	8,93,966 4 8 —	2,54,72,195 12 18 1	2,42,34,003 5 8 2	12,38,192 7 9 1	7,97,277 9 10 2	4,40,914 13 18 3

Errors excepted.

Khalfia, 21st November 1780,

(Signed) G. G. Ducarel.

Extract of Letter from the Governor General and Council of Bengal, in their Revenue Department, to the Court of Directors, dated the 22d December 1781.

Par. 16. The Committee having furnished us with a complete Account of the Formation of the present Year's Settlement, together with a Report of their Proceedings on this Business, we have the Honour to transmit them Numbers in the Packet.

17. In the Postscript of our Address by the Neptune, we acquainted you with the Progress which the Committee had then made in the Settlement of the present Year, as well as with the favourable Expectations they led us to entertain when the Whole shall be completed. From the Comparative View which is now conveyed to you, of the Settlements of Bengal and Bahar for the Years 1187 and 1188, you will observe, that the Increase on the latter is Rupees 31,26,786. 9. 13. 2. and it is with no small Degree of Satisfaction we find this general Amount of the Settlement is equal to the Estimate which the Committee had formed of it.

Revenue Department, Fort William, the 27th November 1781.

Letter from the Committee of Revenue to the Honourable Warren Hastings, Esquire, Governor General, &c. Council of Revenue.

Honourable Sir, and Sirs,

1st. We have now the Honour to lay before you, an Account Settlement of all the Districts of Bengal and Bahar, for the Bengal Year 1188, or from April 1781 to April 1782, and for the Bahar Year 1189, or from September 1781 to September 1782.

2d. In effecting the Settlement of the several Districts, we have attended to the general Rules we submitted to you before we entered upon this Business, and which had the Honour to receive your Approbation. The Settlement, in most Instances, has been actually concluded under our own immediate Inspection: When particular Circumstances prevented an Adherence to this Rule, which it was our Wish to observe in all Cases where it was practicable, the Settlement has been formed by One of our own Members deputed to the Spot, or by native Officers invested with special Commissions for that Purpose.

3d. It is a Satisfaction to us, as we hope it will be to your honourable Board, to observe that the general Amount of the Settlement has not fallen short of the Expectations we led you to entertain; and that the actual Increase this Year is equal to the Estimate we had formed of it, on a general View of the Capacity of the different Districts. To ascertain this Point, which appears to us an Object of the greatest Importance, we have spared no Pains: Our Attention has been equally employed in the Examination of Accounts and Records, for some Years preceding the present Period; in tracing the Increase and Decrease in the Revenues; in Endeavours to ascertain the Cause of such Variation; and in comparing the Knowledge derived from these Investigations, with the Information afforded by the Servants of the Company and native Officers, employed in the actual Management and Collection of the Revenues. If in some Instances the Conclusion we have drawn from the Premises should appear to you less accurate than it ought to have been, we trust that your Honourable Board will consider the Shortness of the Period allowed for executing this Branch of our Duty, and the Necessity we were under, on this Account, of uniting Deliberation with Dispatch, and the Variety and Importance of our other Avocations.

4th. The Revenues of the Bahar Province had been formed by your Honourable Board, a few Months before we took Charge of our Office, at an Increase of Rupees 5,00,000. The Increase on the Settlement of the remaining Districts on the Amount of the last Year, is 26,26,786. 9. 13. 2. and the total Increase in Bengal and Bahar for the present Year, amounts to the Sum of Rupees 31,26,786. 9. 13. 2. as you will perceive by the Accounts now laid before you.

5th. The Time for which the Settlement was to be made, was a Matter left by your Orders to our Discretion. We have not adopted any general Period in this Respect; but, consulting the Nature of the different Districts, their Situation, and the Credit and Characters of the Renters, the Leases have been formed for One, Two, or Three Years, as Circumstances indicated, but in no Instance for a longer Time.

6th. The Monthly Accounts of our Collectors, which have been regularly laid before you, must have pointed out to your Notice, the great Number of Districts, the Rents of which are immediately received into our Treasury without any intermediate Agency. It was a Part of the Instructions of your Honourable Board, to comply with the Wishes of the Renters to pay their Rents in Calcutta, and we have admitted them in all Cases where it could be done with Propriety. This has naturally increased the Detail of our Business; but we shall not regret the additional Labour we experience on this Account, as long as it is directed with Success towards the Objects of our Appointment, and whilst it meets with your Approbation.

7th. As Copies of our Proceedings have been regularly transmitted to you, and as they contain all the Measures we have taken, in forming the Settlement of the several Districts, we think it the less necessary on this Occasion to enter into a minute Detail of Particulars. The Account which we now lay before you, will point out the Persons with whom the Engagements have been entered into, whether Zemindars, Talookdars, Farmers, or Wadadars. We shall therefore confine our Information to what

what relates to the Four principal Zemindarries of Bengal, Burdwan, Radshy, Dinagepore, and Nuddea.

8th. Rajah Nobkishen had the Charge of the Collections of Burdwan, when this Committee was established. The Merit of his Management in that Capacity can only be estimated from Facts: In the Course of a few Months he not only relieved the Zemindarry from the Incumbrance of an enormous Debt, but discharged the Revenues of Government with great Punctuality. A very large Portion of the Surplus Rents, which enabled him to pay such considerable Sums, has been added to the Public Revenues, as an Increase this Year; and he has been united in the Management with the young Zemindar. He still preserves the Office of Serawul, but is at the same Time responsible for the Amount of the Engagements of the Zemindar. A Comparison between his Conduct and that of his Predecessors, in the Management of the Business, will, we imagine, point out the Propriety of this Mode of Settlement.

9th. It was our Will and Intention to have concluded the Settlement of the Radshy Province with the Zemindar herself, Maha Ranny Bawanny. Having ascertained, from the best Information we could collect, the Funds and Capacity of the District, we fixed the Increase at the Sum of 2,50,500, and at this Rate we left it to the Option of the Zemindar, to enter into Engagements for the Revenues. She declined taking the Management of her District [on these Terms, though much less in Amount than those she had acceded to at a former Period; and we concluded the Engagements for the Revenues with Nundodal Roy, for a Period of Two Years, at an Increase of Rupees 2,50,000.

10th. The present Zemindar of Dinagepore is a Minor of Five or Six Years old; he succeeded to the Zemindarry on the Demise of the late Zemindar, in the Month of July 1780, and the Management remained with the Servants of the Family. In what Manner they discharged the Trust reposed in them, may be ascertained from their Failure to make good the Revenues of last Year; although we have since received Information, that they involved the young Zemindar himself in a very heavy Debt. To have left the Management of the Zemindarry with the same Persons, would have exposed the Zemindar to the Mercy of those who had already proved themselves unequal to the Trust, or improper to be invested with it, and would have implicated him in all the Consequences of their Mismanagement. We therefore accepted the Proposals of Rajah Deby Sing, for the Farm of the Province, made in the Name of his Son Behadur Sing. The former has been always employed in Revenue Offices of the first Public Trust, and his Abilities and indefatigable Attention to Business are well known. The Measure will, we hope, meet with your Approbation; and to our Choice of the Man, no Objection can, we apprehend, be made.

11th. The Management of the Zemindar's Household was not in any Respect connected with the Settlement; but we have, since the Conclusion of it, delegated it to Rajah Deby Sing, under the Inspection of Mr. Goodlad, Collector of Rungpore. The Motives which induced us to adopt this Measure, was the Information we received of the enormous and useless Expences with which the Zemindar was charged by his Servants, as well as of the Debts they had incurred in his Name, and for which he was to be responsible. Upon a more minute Enquiry into the Circumstances, we were astonished to find, that the Monthly Expences of the Zemindar, though under Six Years of Age, exceeded the Sum of 16,000 Rupees; an Expence which must have anticipated his Income before he was capable of managing the smallest Part of it.

We discovered also, that the Persons who had the Charge of them and his Expences, were guilty of the most shameful Neglect with respect to his Education, and that no Part of the enormous Sum disbursed Monthly at his Expence, was applied to his Instruction, nor any Persons entertained for that Purpose; and that no Officers were established for preserving the Sudder and Mofussil Sherishtah, or Records of his Zemindarry. By the Efforts of Rajah Deby Sing, under the personal Inspection of Mr. Goodlad, a Reform has been made in his Household Expences, which are now reduced to the Monthly Sum of Six thousand Rupees; notwithstanding which, the most ample Provision has been made for every Article of Convenience which the Zemindar can either wish or desire, as well as for other Charges of Form, which, though in fact useless, are, by the Custom of the Country, deemed indispensable to the Proprietor of so large a Zemindarry, and cannot, consistently with the Prejudices of the Natives, be abolished. The proper Officers have been appointed for preserving the Records of his Inheritance, and Persons nominated to take Care of his Education: Upon this Subject, particular Instructions have been sent to Mr. Goodlad, and we have the most perfect Confidence that he will pay due Attention to them.

Our Motives for this Interference in the Household Concerns of the Zemindar of Dinagepore, may be traced in the foregoing Explanation. To relieve him from the Rapacity of his Servants, to secure him from the fatal Consequences of Acts done by him in which he cannot be a Party, and to provide for his Instruction, are the Objects we propose by it. We doubt not that Measures dictated by common Humanity, will meet with your Approbation; and it shall be our particular Care to see that the Objects proposed by them are not forgotten or neglected.

The Settlement of the District of Nuddea has been made with the Zemindar himself, at an Increase of Rupees 1,00,000. Notwithstanding the Capacity of this District to pay the Revenues claimed by Government, the Collection of them has never been effected without much Difficulty; and easy as the Assessment has been for some Years past, the Zemindar has contracted Debts to a very large Amount. These Facts seem to evince either Misconduct or Mismanagement on the Part of the Zemindar himself. To guard against the Consequences of either, a Native was appointed a Serawaul at Nuddea early in the Year: He is since dead, and we have supplied his Place by the

Nomination of Mr. McDowal, who was appointed under us by your Honourable Board. The particular Duties which this Gentleman has to attend to, are, to see that the Collection of the Revenues is regularly made, and that they are not misapplied to the Liquidation of the private Debts of the Zemindar, but paid in discharge of his Engagements with the Government.

It will occur to your Honourable Board, that we have not carried into Execution the Intentions we entertained, and which we communicated to you, of increasing the Revenues of Government, by Retrenchments in the Article of Zemindarry Charges. In the Progress of forming the Settlement, we found ourselves under the Necessity of relinquishing this Intention, for some or all the following Reasons: Because the Increase upon the actual Jumma was too great to admit any further Addition by a Reduction of the Charges; because the Settlement having been made in some Instances with Farmers instead of with the Zemindars, the Allowance granted to the latter has been appropriated to the Discharge of their Balances; and lastly, the Incumbrance of private Debts, under which the Zemindars labour.

The First and Third Reasons apply particularly to the Burdwan Province. The Surplus Revenue arising from the Dewry Lands, would allow a Deduction in the Charges; but being appropriated to the Discharge of the Zemindarry Debts, the whole Allowance given by Government to the Zemindar, considering the Increase made upon his District, affords no more than a sufficient Fund for the Expenses of the Zemindar.

The Second Reason applies particularly in the Cases of Rajeshy and Dinagepore, where the Engagements for the Revenues are executed by Farmers; and it may be remarked, that Government gains more by the Mode of Settlement adopted in these Two Instances, than if the Agreements had been made with the Zemindars themselves. The whole Increase on the Jumma of these Two Districts is independent of any Retrenchments in the Zemindarry Charges; whilst the Allowances granted on this latter Account, after allotting such a Portion of them as is necessary for the Subsistence of the Zemindar, has been appropriated to the Discharge of the Balance due on account of the last Year's Engagements. If the Zemindar of Nuddea had made good his Engagements with Government, it would still have been difficult to have curtailed any Part of his Stipend, as his Debts to Individuals exceed a Year's Income. At present it is applied to the Payment of his Arrears.

It may not be improper, in this Place, to remark, that not only the Zemindar of Nuddea, but that many others, particularly those of Hedgelee and the other Salt Districts, have suffered the greatest Embarrassments from the Demands which Individuals have upon them. It is equally our Wish and our Endeavour to diminish the Claims which now subsist, and prevent others arising in future.

The Attention of the Zemindars is not only diverted by them from those Duties which ought to occupy their whole Time; but the Public Revenues are misapplied, and the Officers of Government exposed on this Account to great Trouble and Inconvenience. In Proportion as the former Reasons cease, the Subject of the intended Retrenchments will of course be resumed, and no Opportunity be lost in adopting them.

With respect to the remaining Districts, no Circumstances have occurred in the Course of forming the Settlement of them, which require particular Notice. The Proprietors of the Land, whether Zemindars or Talookdars, have in general been kept in Possession of their Lands and Management of their Collections. Where the Reverse has taken place, it has proceeded from Causes which are recorded on our Proceedings. The distant Situation of some of the Districts, the great Number of Zemindars or Talookdars possessing Portions of them, the Incapacity of the Persons, proceeding from Sex or Minority, to manage their Lands, and the Refusal of the Proprietors, are the Circumstances which have induced us to substitute a Farmer, or what is nearly the same, a Wodadar.

16th. It was our Intention to have laid before your Honourable Board, the Annual Jumma Wafil Bakee for the last Year, together with the Settlement of the present. We are sorry to be under the Necessity of delaying this for a few Days longer. You are not, however, unadvised of the Measures we have adopted for the Recovery of the Balances, as our Resolutions on this Subject, together with the Tawjee Accounts for Cheyte, the last Month in the Bengal Year, have been laid before your Honourable Board.

17th. How far we have succeeded in this important Business of forming the Settlement, must be left to the Determination of your Honourable Board. It is a Satisfaction to us to be able to inform you, that the Collections have, for the first Six Months of the Year which are just expired, been kept up with more than usual Regularity; and we can with Confidence assure you, that no Labour or Attention shall be wanting on our Parts, to realize the Settlement we have made. Sensible of the Magnitude and Importance of the Charge intrusted to us, of the Obligations under which we act, and flattered by the Confidence you have reposed in us, we want no further Inducements to exert our whole Care and Abilities to merit that Approbation which rewards a well-executed Trust.

We have the Honour to be, &c.

Calcutta,  
19th November 1781.

(Signed) J. Shore.  
&c. Committee.

COMPARATIVE VIEW of the Settlements of Bengal and Bahar, for the Bengal Years 1187 and 1188; shewing the Increase in the latter, as formed by the Committee of Revenue.

DISTRICTS.	Settlement of the Bengal Year 1187, or Behar Year 1188.			Settlement formed by the Committee of Revenue, for the Bengal Year 1188, or Behar Year 1189.			Decrease.	Increase.	Nett Increase.
Rajshahy	22,99,500	3	10	3	25,50,000	3	10	3	2,50,500
Rocunpore	2,32,421	—	—	3	2,67,421	—	—	—	35,000
Tannah Curwah	8,246	14	9	—	11,000	—	—	—	2,753
Burroo Bazoo	4,074	1	8	2	4,074	1	8	2	—
Lufkerpore	2,01,772	14	5	—	2,24,272	14	5	—	22,500
Chundleh	39,420	4	14	—	46,420	4	14	—	7,000
Ayma Bazyafce	1,182	4	15	—	1,182	4	15	—	—
Mozah Shauhaurung	336	14	15	—	336	14	15	—	—
Mozideh, &c.	88,059	14	14	—	97,207	14	14	—	9,148
Chunacolly	4,75,209	14	9	—	5,02,189	4	17	—	26,797
Jehanguirpore	1,61,223	5	5	3	1,78,357	12	17	2	17,134
Hatindah	32,924	6	3	—	39,424	6	3	—	6,500
Mankor	7,789	8	14	3	7,789	8	14	3	—
Coffimpore	7,187	14	17	3	7,687	14	17	3	500
Kurbar	1,299	13	14	2	1,399	13	14	2	100
Boolbareah	4,480	6	5	3	4,480	6	5	3	—
Chuck Rogonautpore	1,897	14	—	3	1,897	14	—	3	—
Serrykiffenpore	329	3	5	—	329	3	5	—	—
Sonapore	280	—	—	—	280	—	—	—	—
Bugthur	900	13	13	1	900	13	13	1	—
Furry Sing	91,418	7	2	—	1,03,918	7	2	—	12,500
Beerbhoom	5,31,321	7	16	—	6,11,321	7	16	—	80,000
Biffenpore	3,72,230	15	17	—	3,92,230	15	17	—	20,000
Patcheat and Juldea	65,261	8	—	—	71,261	8	—	—	6,000
Chittagong	4,62,130	11	5	—	5,17,988	—	—	—	55,857
Tipperah	1,33,001	—	—	—	1,68,001	—	—	—	35,000
Nuddea	9,84,750	1	9	—	10,84,750	1	9	—	1,00,000
Mahomedshahy	2,72,011	13	9	—	2,64,223	9	18	3	7,788
Myhtury	42,966	9	18	3	42,966	9	18	3	—
Ieffore	3,14,960	15	9	3	3,27,810	15	9	3	12,850
Sydepore	81,679	6	—	2	89,680	6	—	—	8,001
Saatukea	42,515	—	—	—	50,015	—	—	—	7,500
Amberabad	39,029	6	—	—	50,000	—	—	—	10,970
Hooglah Belfoolah	28,087	6	3	—	31,087	6	3	—	3,000



	4,04,762	2	11	3	4,28,241	12	10	23,479	9	18	1
Mahomed Amteerpore	7,13,684	6	8		7,13,684	6	8	—	—	—	—
Hidgelee, &c.	47,371	12	12		49,371	12	12	—	—	—	—
Echapore, &c.	10,50,455	7	10	3	10,13,888	6	12	36,567	—	18	3
24 Pergunnahs	41,643	15	8		38,851	9	13	2,792	5	15	—
Town of Calcutta	36,634	14	3		35,324	9	12	1,310	4	4	—
Chowkydarry	2,988	13	1	2	2,988	13	1	—	—	—	—
Juppah Bier	258	11	3		258	11	3	—	—	—	—
Buadeepore	27,11,837	—	—	—	31,78,570	12	12	—	—	—	—
Dacca	2,00,025	5	—	—	2,35,025	5	—	—	—	—	—
Sylhet	14,60,444	12	12	2	16,60,444	12	12	—	—	—	—
Dinagore	1,45,196	5	6		1,60,196	5	6	—	—	—	—
Edragsore	2,29,817	1	9	3	2,88,817	1	9	—	—	—	—
Silberris, &c.	1,71,771	10	19		1,82,771	10	19	—	—	—	—
Rajemahal	2,90,297	14	14		3,19,494	1	14	—	—	—	—
Boglepore	7,24,873	—	9		7,88,946	4	2	—	—	—	—
Rungpore	1,46,043	4	3	1	1,39,248	6	2	—	—	—	—
Sircar Cooch Beyhar	82,639	—	—	—	82,639	—	—	6,794	14	1	1
Baharbund	15,086	12	—	—	15,086	12	—	—	—	—	—
Bobutpore, &c.	2,153	7	9		2,153	7	9	—	—	—	—
Sultanpore	3,100	—	—	—	3,100	—	—	—	—	—	—
Rangamatty	39,41,120	—	—	—	43,58,026	15	—	—	—	—	—
Burdwan	37,581	—	—	—	37,581	—	—	—	—	—	—
Cantoanagar	44,190	6	9	1	53,938	6	9	—	—	—	—
Affudnagar, &c.	6,551	10	10	2	6,551	10	10	—	—	—	—
Rajebarry	31,487	—	10	3	37,427	—	10	—	—	—	—
Jahirpore	12,965	13	5		12,794	5	5	171	8	—	—
Coordeah, &c.	9,29,229	4	4		10,00,479	4	4	—	—	—	—
Purnea	8,63,482	6	—	—	10,04,959	15	16	—	—	—	—
Midnapore	68,623	12	3		68,623	12	3	—	—	—	—
Rangur	18,141	7	10		18,141	7	10	—	—	—	—
Jungleterry	34,08,484	13	—	—	34,08,484	13	—	—	—	—	—
Patna	10,98,883	10	—	—	14,53,883	10	—	—	—	—	—
Sircar Sarum	—	—	—	—	46,551	10	—	—	—	—	—
Aflam	—	—	—	—	—	—	—	—	—	—	—
Sicra Rupees	2,59,71,669	10	4	2	2,85,98,456	3	18	55,424	4	12	2
								26,82,210	14	12	2
								26,26,786	9	13	2

Add. The Increase made on the Behar Settlement, which does not appear in the present Account, owing to the Difference of the Bengal and Behar Stile, but which may however be considered an Augmentation of Revenue for the Year for which the Account is stated, of

Makes the whole Increase on the Rev<sup>d</sup> of Bengal and Behar amount to — S<sup>d</sup> R<sup>d</sup> 31,26,786 9 13 2

---

# A P P E N D I X.

---

## N<sup>o</sup> I.

Extract of Fort William Consultations, in the Revenue Department; dated the 23d November 1773:

**T**HE Board having, at several Meetings since the Receipt of the Harcourt's Advices, debated on the various Means which occurred to them for carrying into Execution the Intentions of the Honourable Court of Directors, for the future Controul and Management of the Revenue, and for the Removal of the Collectors from their Stations; and having maturely considered and weighed all the Consequences which may attend every Measure that may be adopted; are of Opinion, that the immediate Removal of the Collectors, or the Establishment of any consistent and permanent System, without such preparatory Measures as might prevent the bad Consequences of too sudden a Change, and gradually introduce a more perfect Form of Superintendency, would be hazardous to the Collections, and bring at once a greater Weight of Business on the Members of the superior Administration than they could possibly support:

Plan for the future Management of the Revenues of Bengal and Bahar.

On these Grounds they do propose the following Plan for a future Establishment, to be adopted and compleated by such Means as Experience shall furnish, *and the final Orders of the Honourable Company shall allow.*

1st. That the Districts which form the present Collectorships shall remain, with such Variations as shall render them more easy of Controul; and more subservient to the general System.

2d. That each District be superintended by a Dewan or Awmil, except such as have been let entire to the Zemindars, or their responsible Farmers, who shall in such Case be invested with that Authority.

3d. That a Committee of Revenue be formed at the Presidency, which shall consist of Two Members of the Board, and Three senior Servants below Council, for conducting the current Business of the Collections, in the Manner following:

4th. The Committee shall meet daily; they shall form Resolutions and Orders for the current or ordinary Business of the Districts, and prepare, weekly or monthly, a separate State of each District, an Account of the Demands, Receipts, and Balance of each District, and a Report of such extraordinary Occurrences, Claims, and Proposals, as may require the Orders of the Superior Council; which are to be laid before them in their Revenue Department.

5th. The Dewan shall correspond with the President of the Committee, and the Royroyan, and send their Bills, Chelans, and Accounts, to them: These shall be registered in the proper Offices of the Khalsa, and such Translations and Abstracts made of them as shall be necessary for the Inspection of the Committee.

6th. All Orders to the Dewans shall be translated, and written in the Name of the President of the Committee and the Royroyan, to be sealed with the Seal of the Khalsa, and signed by them.

7th. Occasional Commissioners or Inspectors shall be deputed to visit such of the Districts as may require a local Investigation. These shall be chosen from the Company's Covenanted Servants, not by Seniority but by the free Election of the Board; they shall be Men qualified for this Trust by a Knowledge of the Persian or Indostan Language, and by a Moderation of Temper. An Objection made by a single Member of the Board to any Person proposed, as wanting of these Requisites, shall be a sufficient Bar to his Appointment, without Proofs being required to support it. The Commissioners shall receive an Allowance of 1,500 Rupees per Month for their Trouble and for their Expenses during the Deputation; they shall not be allowed to take with them their private Banians, nor

## A P P E N D I X, N<sup>o</sup> 1.

any Servants or Dependants, without express Leave, in Writing, of the Board; they shall be forbid, on Pain of Suspension from the Service, to lend or borrow Money, to take any Concern in Farms, Talooks, or Securities, or to purchase or sell, or contract to purchase or sell, any Article whatever in the District; nor shall they suffer any of their Servants or Dependants to do either.

8th. Strict Orders shall be given, in Writing, to every Officer commanding the Sepoy Stations, forbidding them to detach any Sepoys, either singly or in Parties, for any Purpose whatever, beyond their Quarters, except when required on Military Service; to punish or confine any Person not appertaining to his Command; to lend or borrow Money; to take any Concern in Farms, Talooks, or Securities; to purchase or sell, or contract to purchase or sell, any Article whatever, either in the District in which he resides, or in any other; or to have any Dealing in any Kind whatever with any Dewan, Zemindar, Farmer, Ryot, or other Dependant or Officer of the Revenue. The same Orders shall be published to be observed by the other Officers, both European and Native, of the Battalion, and to all the Sepoys and Followers of it. It shall be declared, that the Commanding Officer shall be responsible for any Public Breach of these Orders by any Person whatever under his Command; and the Governor shall have the Power of recalling them without assigning a Reason either to them or to the Board.

9th. The Officers of the Fouzdarry Adawlut shall be forbid to hold Farms or other Offices in the Mofussil; they shall be obliged to reside, on Pain of forfeiting their Employments; and it shall be declared criminal in any Person to officiate in the Courts of Adawlut in the Capacity of Naibs or Gomastahs, for Principals non-resident.

10th. All Complaints of the Ryots or others against the Dewans, Farmers, Zemindars, or other public Officers of the Revenue, shall be received and decided by the Committee, or by Persons expressly appointed by them for that Purpose.

11th. For the Means of carrying the above Plan into Execution in such a Manner and at such Times as may be found most convenient for effecting the Purposes intended by it, and preventing the ill Consequences to which the Collections would be exposed by an improvident and precipitate Innovation, *Resolved, That the following Plan be immediately adopted, to be, and to be declared to be, only for a temporary Purpose, and introductory to the foregoing:*

1st. The Provinces to be formed into the following Grand Divisions:

2d. First Grand Division to be managed at Calcutta, and to consist of the Calcutta Pergunnahs, Houghly, Hedgelee, Mysadel, Tumlook, Nuddea, Jessore, Mahmudithy, with the Talooks of Contoonagur, &c. and all Lands belonging to Persons of Credit, whose constant Residence is in Calcutta; but this is meant only of Lands which are their own Property, not of such as they may farm or be Security for, and even in these the Administration of Justice must rest entirely with the Provincial Council in whose Division they may be situated.

3d. Second Grand Division to be managed at Burdwan, and to consist of Burdwan, Midnapore, Bissenpore, Patchaet, Beerbhoom, Ramgur, &c. Districts, under the Management of Captain Camac.

4th. Third Grand Division to be managed at Moorshedabad, and to consist of Rajesbahe Eastern and Western Divisions, Rockunpore Collectorship, Chunnacolly Ditto, Lushkerpore Ditto, Jehanguirepore Ditto, Caus Talooks, Rajemahl, and Boglepore, including the Annexation lately made to the latter from Mongheer, Currickpore, Jungleterry, &c. Districts, under the Management of Captain Brooke.

5th. Fourth Grand Division to be managed at Dinagepore, and to consist of Dinagepore, Silberries, Purnea, Rungpore, Edrackpore, Baharbund, Coch Beyhar, Rangarmally.

6th. Fifth Grand Division to be managed at Dacca, and to consist of Dacca, Sylhet, Attya, Cogmary, Burbazzoo.

7th. Sixth Grand Division to be superintended by the present Chief and Council at Patna, and to consist of the whole Province of Bahar, excepting the separated Districts of Mongheer, &c. as above-mentioned.

8th. The Districts of Chittagong and Tipperah to remain on their present Footing under the Management of a Chief.

9th. A Committee of Revenue to be instituted at Calcutta, for superintending the First Grand Division; to be composed of Two Members of Council, and Three Senior Servants, under them a Secretary, a Persian Translator, an Accountant, and Five Assistants.

10th. Councils of Revenue to be formed for superintending the 2d, 3d, 4th, and 5th Grand Divisions; to be composed of a Chief and Four senior Servants, under them a Secretary, a Persian Translator, an Accountant, and Three Assistants.

11th. As the Detail to be conducted by the Committee at Calcutta, will supersede the Necessity of a Superintendant of the Khalsa, that Office to be abolished when the Provincial Councils have been all established.

12th. The Registry of the Khalsa is however still to remain, and the Royroyan to act therein under the collective Controul of the Council of Revenue, as at present, and the immediate Controul of the Governor.

13th. The Office of Auditor and of Accountant General should also continue; but the Accountant General to have no Connection with the Committee of Revenue further than receiving their Accounts, as he does those of every other Grand Division, through the Channel of the Council of Revenue.

14th. A Dewan to be appointed to each of the Provincial Councils, who shall be chosen by the Board, either from among the present Dewans of the Districts, or such other Persons as they shall deem well

## A P P E N D I X, N<sup>o</sup> i.

well qualified for that Office. The Royroyan to act as Dewan, assisted by One of his Naibs to the Committee of Calcutta.

15th. The Committee, and the several Provincial Councils, to correspond with the Council of Revenue, and their Dewans with the Royroyan, and to act under their Orders in every Respect as the Collectors do at present. The Perwannahs of the Revenue Council to the Dewans will of course be signed by the Governor in lieu of the Superintendant. All Sunnuds that may be resolved to be granted by the Superior Council of Revenue, shall be registered by the Secretary, in a Book kept for that Purpose, and be issued under the Seal of the Khalsa, and the Signature of the Governor.

16th. The Collections in the Districts composing the Grand Divisions, which are not the Seat of the Provincial Councils, to be managed by Naibs, at such Stations as they may judge necessary. And as the immediate Responsibility of their Management rests upon the Provincial Councils, they shall be allowed the Recommendation of the Persons they think most proper for the Trust, but their Nomination shall proceed from the Board. N. B. The Committee at Calcutta, wherever Provincial Councils are mentioned, is always understood to be one, to avoid Repetition.

17th. The Naibs to receive their Orders from the Provincial Councils; which having been approved by the Majority of the Members, shall be issued under the Public Seal, with the Signing of the Chief and the Dewan; their Correspondence and Accounts to be addressed to the Chief and the Dewan, and sealed with their Seals as Naibs. Translations, or Abstracts, of all such Letters and Accounts, to be invariably made and recorded at the public Meetings of the Councils.

18th. Each Provincial Council to be furnished with a Public Seal for its Division, and all the Seals at present in the Hands of the Collectors to be returned to the Presidency.

19th. The Collectors of Coch Beyhar to be put upon the same Footing as Ramgur and Currickpore; the Officers to receive their Orders solely from the Governor, and only to send their Accounts to the Councils of their respective Divisions, for the Sake of Regularity.

20th. The Naibs of the Districts under each Provincial Council to hold Courts of Dewanny Adawlut, according to the present Regulations, and transmit their Proceedings to the Provincial Councils; but Appeals in all Cases to be allowed from them to the Provincial Sudder Adawlut of the Division, without the 5 per Cent. Fee. These Courts of Provincial Sudder Adawlut, to be superintended in Rotation by the Members who are not of the Council of Fort William. To decide ultimately on all Cases not exceeding 1,000 Rupees; (in this is included Mulguzarry Land, of which the Jumma or Produce is not more than 1,000 Rupees, and Alienated or Free Lands, of which the Jumma is not more than 100 Rupees) in Cases exceeding that Sum, an Appeal to be, as at present, to the Sudder Dewanny Adawlut. In all Cases, the Provincial Councils at large may revise the Decisions of the superintending Member. Complaints against the head Farmers, Naibs of the Districts, Zemindars, and other principal Officers of the Government, relative to their Conduct in the Revenue, to be decided by the Provincial Councils, and entered on their Proceedings: If any of them think themselves aggrieved, they may apply ultimately to the Superior Council of Revenue at Calcutta. Sunnuds for Lands whose Jumma is no more than abovementioned, may be granted by the Provincial Councils, under the Public Seal and the Signature of the Chief, after being registered by the Secretary in a Book kept for that Purpose; of which a Copy shall be transmitted monthly to the Presidency and a complete Alphabetical Copy annually.

21st. Strict Orders shall be given in Writing to every Officer commanding the Sepoy Stations, forbidding them to detach any Sepoys, either singly or in Parties, for any Purpose whatever, beyond their Quarters, except when required on Military Service; to punish or confine any Person not appertaining to his Command; to lend or borrow Money; to take any Concern in Farms, Talooks, or Securities; to purchase or sell, or contract to purchase or sell any Article whatever, either in the District in which he resides, or in any other; or to have any Dealings of any Kind whatever with any Dewan, Zemindar, Farmer, Ryot, or other Dependant or Officer of the Revenue. The same Orders shall be published to be observed by the other Officers, both European and Native, of the Battalion, and to all the Sepoys and Followers of it: It shall be declared likewise, that the Commanding Officer shall be responsible for any public Breach of these Orders by any Person whatever under his Command; and the Governor shall have the Power of recalling them, without assigning a Reason to them, or to the Board.

22d. The Officers of the Phouzdarry Adawluts shall be forbid to hold Farms or other Offices in the Mofussil; they shall be obliged to recede on Pain of forfeiting their Employments; and it shall be declared criminal in any Person to officiate in the Courts of Adawlut in the Capacity of Naibs or Gomastahs for Principals non-resident.

23d. Complaints against the Officers of the Phouzdarry Adawluts to be made to the Governor, and to be referred by him to the Sudder Nizamut Adawlut, for their Enquiry and Determination.

24th. The Members of the Superior Council, whether in Calcutta or in the Divisions, to be restricted from every Kind of Trade whatever, excepting Diamonds for Remittances to Europe, Goods purchased in Calcutta to be exported to foreign Markets for Sale in Calcutta; and in Consideration of this Prohibition to be allowed 3,000 Rupees per Month: Each Member shall bind himself to the Observation of this Article under a Penalty of £. 20,000.

25th. The Export Warehouse-keeper at Calcutta to be restricted from the Trade in such Articles as constitute the Company's Investment; and the Export Warehouse-keepers of the Divisions, and the Residents of Bowlee, Comorcolly, Malda, Rungpore, Luckipore, and Colinda, from the same Articles within their respective Divisions or Districts.

26th. The Members and Assistants of the Provincial Councils, and the other Covenanted Servants

N. B. An Alienated or Free Land of 100 Rupees Annual Produce, is valued at 10 Years Purchase, and consequently equal to 1,000 Rupees; whereas in a Land paying Revenue, the Zemindar's Share is reckoned only 1-10th, and the other 9-10ths are the Government's; so that though its Produce be 1,000 Rupees, it will yield him only 100 Rupees Annual Profit.

## A P P E N D I X, N. 1.

of the Company, residing in the subordinate Factories and Out-districts, to be restricted from making Advances for Grain, or any such Articles as contribute to the Subsistence of the Natives, and cannot be dealt in without Oppression to them; such as Ghee, Oil, Fish, Jute, Matts, Straw, Bamboos, Beetle Nut, and Tobacco; which they shall purchase with ready Money only at the capital Markets of the Country; and it is expected that the Chief of every Provincial Council will give particular Attention to the rigid Observance of this Regulation: And if any of the Servants in his Division, of whatsoever Rank, should deviate from it, or in any Respect carry on a Commerce oppressive to the Inhabitants, he is hereby authorized and required to address the Board of Calcutta on this Subject, independent of his Council; and by his own Authority to seize any other Person accused of committing any actual Violence on the Persons or Property of the Inhabitants, that he may take his Trial at the Provincial Court of Adawlut.

27th. It shall be made an Article in the Instructions given to the Chief and Council of every Division, that they make particular Enquiry concerning every Talook, or other smaller Portion of Land included within each District of their Division, but appertaining to some other District, whether of their own or any other Division; that they ascertain the Limits, Malguzarry, and Profits of the same: That in like Manner they obtain an Account of every Portion of Land belonging to either of the Districts of their Division, but not included in it, and that they report the same to the Superior Council, with the Names of the Proprietors, and every other Circumstance which may enable them to effect an Exchange or Alienation of these separated Lands, on such Terms as may be satisfactory to the Owners, and to form a more complete and entire Arrangement of the Districts, for the better Government and the easier Management of the Collections.

It being the professed Intention of the Board to make the Plan now adopted subservient to that which they propose for a future and perpetual System; it is their further Design, that whenever the Accounts and Arrangements of any one Division shall be so regulated and completed, as to enable them to bring the Controul down to the Presidency, the Provincial Council shall be accordingly withdrawn, and either continue to conduct the Business of the Division at the Presidency, or transfer it at once to the Committee. By such progressive Method, an easy Change may be effected, without the smallest Hazard of any Loss or Embarrassment; at the same Time that a Provision is made for the Admission of such other Improvements as the Honourable Court of Directors may enjoin, and which would either be precluded by any other Mode, or the new Measures which may have been established, must be abolished to make room for them; which would occasion fresh Perplexities in the Revenue, and fill the Minds of the People with Apprehensions of perpetual Changes.

It has been already remarked, that the great Weight of Affairs with which the Administration is already loaded, will not admit of the immediate Introduction of the proposed System; and it is possible that it may still remain a Charge too great for one Body to manage, even with all the Regularity which Time and Experience can give it: But if it should be found so, the Collections will be better conducted at the Presidency, by the same Provincial Councils, under the present Inspection of the Superior Council, than under the same Controul within the Districts, because of the dangerous Abuse which may be made of the personal Influence of the Members composing those Provincial Councils, and resident within their Divisions; neither will their Business suffer by the Distance of their Situation, except only in the Case of extraordinary Investigations, which may require the Presence of Individuals, or the Inspection of Mofussil Papers.

*The Paper delivered by Major Scott went no farther; but in the Proceedings of the 23d November 1773, received from the India House, the following Addition was made.*

The Allowance which is proposed by the 24th Article, for the Members of the Council, of 3,000 Rupees to each per Month, will amount, when the Board is complete, to 36,000 per Month, or 4,32,000 per Annum. *It is proposed that this Sum be paid from a Fund to be raised from the Trade of Opium, as resolved on this Day's Proceedings.*—It will be a reasonable Compensation for the Loss which the Members of the Superior Council may be supposed to sustain, by being excluded from every Benefit of Trade, which they could not exercise, however disposed in themselves, without some Degree of Oppression. They will have more Leisure to attend to the Duties of their Stations; and the Chiefs of the Provincial Councils will be more at Liberty to check and correct any Irregularities of others, being under no Restraint on Account of their own private Concerns. If it can be supposed that Men of the first Distinction in the Service, having accepted of such a Compensation, should notwithstanding so far forget the Principles of Fidelity and Honour, as to engage in any Concerns contrary to this Prohibition, the Jealousy of their Councils will prove an effectual Bar to such a Design, unless they should agree in a Collusion with them, which it would be impossible to conceal. The Confidence which our Employers have generously reposed in our Attachment to their Service, renders it more particularly our Duty to express our Sentiments on a Subject of such Importance without Reserve, although our Declarations may admit of a Misconstruction against ourselves as Men. The Servants of the Company are not exempted from the Frailties and Wants of Humanity; if allowed the Liberty of Trade, while they possess an unbounded Power (and who shall bind those who constitute the Government itself?) their Trade will be a Monopoly and an Oppression; if forbidden to trade, without some Reparation for the Loss, and some allowed Means of acquiring a Livelihood, and even the Prospect of a Competency, the feeble Words of a Public Edict will not hold them, but they will with little Scruple break through them, and obtain those Ends by unallowed Means; because they will think, that a Decree which imposes upon them the Necessity of perpetual Penury, could not have been really intended for their rigid Observance; such having been in many Instances the fatal Practice of this Service. We say fatal, because Laws and Restrictions which have no  
Coercion,



## A P P E N D I X, N<sup>o</sup> 1.

Coercion, and bear too hardly on the Passions for the common Sufferance of Mankind, inevitably defeat their own Purpose; they become totally disregarded, nor is it deemed an Impeachment of Morality to transgress them: And it is a Consequence as infallible, that when Men are once allowed to pass the Line of their prescribed Duty, at their own Option, they will by Degrees extend the Latitude to the furthest Extremes of Corruption, Embezzlement, and Rapine. For these Reasons we have judged it advisable to withhold the Temptation of Oppression from those whose superior Influence would afford them the most ready Means of exercising it, and to secure their Forbearance by an Equivalent and certain Income. Thus far we think ourselves warranted by the full Powers granted us by our Honourable Employers, although the Purposes to which they designed our Application of them are not distinctly ascertained. We should wish to extend the like Rule to the inferior Servants in Power, especially those of the Provincial Councils, by restraining them also totally from Trade, and making them proportionable Allowances; but we cannot proceed to such a Length without an express Authority, because we have no other Fund to indemnify the Company for such an Addition as this would make to their Expences, unless we were to apply the Profits of the Salt Trade to that Purpose; to which there is this Objection, that they are already appropriated, and referred to the Company for their Determination concerning them. We have therefore left the inferior Servants in Possession of the Privilege of a fair Trade, and we hope that the Distinction which we have made, will prove a sufficient Guard against any great Abuse of it. The Exceptions which we made to the General Prohibition of Trade for the Members of the Superior Council, cannot be productive of any evil Consequences, and may be a necessary Encouragement to the Promotion of Trade.

In order to carry the temporary Plan into Execution, the Board is further agreed on the following Resolutions:

1st. That the Committee of Revenue at the Presidency be appointed as necessary to the Establishment of the other Arrangements; and that it do consist of the following Members:

Philip Milner Dacres, Esquire, President,		
George Vansittart, Esquire, Second,		
Messrs.	{ Henry Cottrell, William Harwood, Edward Golding,	Members,
Mr. Peter More, Secretary and Accomptant,		
Messrs.	{ Henry Vansittart, Persian Translator, John Taylor, H. Chickely Plowden, Thomas Law, W. N. H. Hewit, George Gale.	Assistants.

2d. That they do immediately assemble, and take Measures for entering upon and executing their Charge; that the public Regulations already established, with those contained in the 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, and 27th Articles of the foregoing Plan, shall in general be the Rule of their Conduct; and that they do apply from Time to Time to the Superior Council of Revenue for such further Instructions as may be required.

3d. That the Collectors of Nuddea, Jessore, Houghly, and Mahomedshahy, be advised that their Districts are put under the Management of this Committee; and that they are to return to the Presidency, with their Assistants, whenever they shall have rendered their Accounts, and received Orders to that Effect from the Committee. The Collector of Mahomedshahy will afterwards remain in his Station under the Chief of the Cossimbuzar Factory.

4th. That the Provincial Councils of Revenue, in Conformity to the above Plan, do consist of the following Members, and Assistants:

### BURDWAN.

John Graham, Esquire, Chief,		
Messrs.	{ John Bathoe, —	Second,
	{ Alex <sup>r</sup> Higginson, —	Third,
	{ John Holme, —	Fourth,
	{ Samuel Lewis, —	Fifth,
Mr. Thomas Graham, Secretary,		
Assistants	{ David Anderson, Persian Translator,	
	{ Charles Croftes, Accountant,	
	{ William Taylor,	
	{ Day Hort M <sup>d</sup> Dowal,	
	{ William Wilkinson.	



# A P P E N D I X, \* N<sup>o</sup> 1.

## MOORSHEDABAD.

	Samuel Middleton, Esquire, — Chief,	
Messrs.	{ Edward Baber, — Second,	
	{ William Maxwell, — Third,	
	{ William Hosea, — Fourth,	
	{ John Hogarth, — Fifth.	
	{ Jacob Rider, — Export Warehouse-keeper at Cossimbuzar,	
	Nathaniel Middleton, — Secretary,	
	John Shore, — Persian Translator,	
Assistants	{ James Barton, Accomptant,	
	{ William Cowper,	
	{ John Chandler,	Assistants to the Revenue Council,
	{ Dynely,	
	{ Burges,	
	Ives,	
	Samuel Wildman, Assistant to Cossimbuzar Factory,	
	Sir John D'Oyly, Assistant to the Resident at the Durbar;	

## DINAGEPORE.

	William Lambert, Esquire, — Chief,	
Messrs.	{ Herbert Harris, — Second,	
	{ George Robertson, — Third,	
	{ Anth <sup>y</sup> B. Goodlad, — Fourth,	
	{ Francis Gladwin, — Fifth.	

## D A C C A.

	Richard Barwell, Esquire, — Chief,	
Messrs.	{ Charles Purling, — Second,	
	{ W. M. Thackeray, — Third,	
	{ John Shakespear, — Fourth,	
	{ William Hollond, — Fifth.	
	Mr. Francis Law, Export Warehouse-keeper,	
	Mr. Thomas Legh, Assistant.	
Messrs.	{ Frederick Stuart,	Assistants, to be arranged to the different Departments of the Revenue and Factory by the Chief.
	{ Matthew Day,	
	{ George Hatch,	
	{ Henry Lodge,	
	{ Robert Crawford,	
	{ John Evelyn	
	{ William Cator,	
	Joseph Cator,	

5th. That the Council for the Dacca Division be furnished with the above quoted Articles of the Plan, and be immediately directed to assemble and enter upon the Execution of their Trust; but that they do not take upon them the Management of Cogmary, Attya, and Burbazzoo, until the Transfer can be regularly adjusted between this Council and the Council of the Dinagepore Division, at the End of the Year, without Prejudice to the Revenue.

6th. That the Council of the Moorshedabad Division be also furnished with the above Extracts of the Plan, together with the 19th Article, and directed to assemble immediately: That the several Collectors of Luckerpore, Chunarcolly, Rokimpore, Boglepore, and Jehanguiropore, be advised that their Districts are put under the Management of this Council: That they are to render up their Charge of the Revenue to them; and, excepting such as are detained by other Appointments, return with their Assistants to the Presidency.

7th. That the Councils for the Divisions of Burdwan and Dinagepore, be directed to assemble at their Stations the End of the Month of February next, so as to enter upon the Execution of their Trust with the Business of the new Year's Collections; and that the necessary Orders in consequence shall then be issued to the several Collectors under these Divisions.

8th. That the Council of Patna shall immediately take upon them the Superintendence of the Province of Bahar; and order the Collectors and Assistants to return to the Presidency as soon as they shall have adjusted their Accounts to their Satisfaction.

9th. That the President be requested to issue Orders for the Conduct of the Military Officers, as expressed in the 21st Article of the Plan.

## A P P E N D I X, N° 1, 2.

10th. That the following Persons be appointed the Dewans of the several Divisions, viz.

Rajah Rajebullub,	}	at Calcutta.
Gonga Govind Sing Naib,		at Burdwan.
		at Moorshedabad.
		at Dinagepore.
		at Dacca.

11th. That the Allowances to the Chiefs and Members of the Provincial Councils, &c. be fixed as follows :

<p>The Allowances to the Chiefs of the Provincial Councils, are not to be drawn in the Zillas, but will be paid at the Presidency, from the Fund to be appropriated for that Purpose.</p>	To the Chiefs, as per Article 24. — 3000 per Month			}	Exclusive of the Allowances according to their Rank, as they would receive in Calcutta ; viz. A Senior Merchant, Junior Merchant, Factor, Writer.
	the Second	—	—		
	the Third	—	—		
	the Fourth	—	—		
	the Fifth	—	—		
	the Secretary	—	—		
	the Persian Translator	—	—		
	the Accomptant	—	—		
	the Export Warehouse-keeper		500 D°		

The Assistants according to their Rank as they would receive at the Presidency, to be drawn at the Zillas, not from the Buxy.

## A P P E N D I X, N° 2.

Permanent Plan for the Administration of the Revenues of Bengal and Bahar, formed the 20th February 1781, by the Honourable the Governor General and Council, in their Revenue Department.

**T**HE System which yet subsists, though with many essential Variations, of superintending and collecting the Public Revenue through the Agency of Provincial Councils, was instituted for the temporary and declared Purpose of introducing another more permanent Mode, by an easy and gradual Change, by which the Effects of too sudden an Innovation might be avoided. This permanent Plan is methodically and completely delineated in the same Proceedings of the 23d of November 1773, of this Department, in which the Provincial Councils were established. It consists substantially in this; that all the Collections of the Provinces should be brought down to the Presidency, and be there administered by a Committee of the most able and experienced of the Covenanted Servants of the Company, under the immediate Inspection and with the Opportunity of, instant Reference for Instruction to, the Governor General and Council.

Conformably to this Design, it is now resolved and ordered,

1st. That a Committee of Revenue, consisting of Four Covenanted Servants of the Company, be immediately constituted; who shall be intrusted with the Charge and Administration of all the Public Revenues of these Provinces, and invested, in the fullest Manner, with all the Powers and Authority, under the Controul of the Governor General and Council, which the Governor General and Council do themselves possess, and shall not reserve exclusively to themselves.

2d. That the first Persons nominated to this Charge be Mr. David Anderson, Mr. John Shore, Mr. Samuel Charters, and Mr. Charles Croftes.

3d. That the Provincial Councils shall be dissolved, and their Charge and Powers transferred to the Committee of Revenue; that the Members of the Councils be ordered forthwith to repair to the Presidency, except the Chiefs of each, who shall remain in the temporary Charge of their respective Divisions, under the Authority of the Committee, until such Time as they shall be recalled by the Orders of the Governor General and Council.

4th. That the Collectors of the separate Districts shall in like Manner remain in their respective Stations, under the Authority of the Committee, until such Time as they shall be recalled by Order of the Governor General and Council.

5th. That the Office of Superintendant of the Khalsa Records shall be abolished, and the Office of the Khalsa, with all its dependant Offices, and all the Functions and Powers appertaining to it, shall be transferred to the Committee of Revenue.

6th. That the Canongoes shall be re-instated in the complete Charge and Possession of all the Functions and Powers which constitutionally appertain to their Office.

7th. That the Committee shall examine and report the present State of the other Offices dependant on the Khalsa, and propose such Alterations as shall appear to them necessary for making them answerable to the Purposes of their Institution, and bringing them under the Controul and daily Inspection of the Committee.

8th. That

## A P P E N D I X, \* N° 2.

8th. That the Committee shall immediately prepare Establishments for their own immediate Department, and such temporary Establishments as shall be judged necessary for the Collectors of the Divisions or Districts, and shall lay the same before the Board for Approbation.

9th. That such of the Company's Servants as shall be removed from their present Offices in consequence of these Arrangements, shall be permitted to draw the same Allowances as they draw at present, until they shall be appointed to other Offices, or until it shall be the Pleasure of the Board to withdraw this Indulgence.

10th. That the Committee shall meet Three Days in every Week, or as much oftner as their Business shall require: That they shall form Resolutions and Orders for the current or ordinary Business of their Department, and report to the Board, as they shall happen, such extraordinary Occurrences, Claims, and Proposals, as may require the special Orders of the Board: That they shall keep regular Minutes of their Proceedings in the customary Form, and do no Act collectively which shall not be recorded therein: That they shall lay a fair Copy of each Month's Proceedings, together with a summary Report of the same, the Jumma Wauhil Baulkee, or Accounts of Demands, Receipts, and Balances, of each Division or District, and general and particular Accounts of Receipts and Disbursements, and Treasury Accounts of each Month, before the Board, on the Fifteenth of the ensuing Month.

11th. That if the Members of the Committee differ in Opinion upon any Question before them, the Majority, or the Casting Voice of the President or senior Member present, shall decide, and form the Resolution of the Whole; but it is not expected that every dissentient Opinion shall be recorded; and where the Case shall be deemed of such Importance as to require it, it shall be immediately referred, together with so much of the Proceedings as have an immediate Relation to it, to the Board; but the Determination of the Majority of the Committee shall not therefore be stayed, unless it shall be so agreed by the Majority.

12th. That the President of the Committee do issue, of his own Authority, during the Intervals of their Meetings, such occasional or subsidiary Orders as shall be necessary for carrying into Execution any existing Orders of the Committee, or for personal Attendance, or for preparing Materials for the Inspection of the Committee, or for any such other Purposes as the Committee shall judge it advisable to commit to his separate Charge as their executive Member; and all the Officers, Servants, and Dependents, shall be required and enjoined to yield implicit Obedience to all Orders which they shall receive from him, subject, of course, to the superior Authority of the Committee: That the other Members of the Committee shall not possess or exercise individually the same Power, except in Cases in which, for the greater Dispatch of Business, they shall agree to divide it into separate and occasional Portions between them, or to assign any special Charge to any Member separately.

13th. That a Commission of Two per Cent. on all Nett Sums paid immediately into the Treasury at the Presidency, on Account of the Public Revenue, in the Course of every Month, and a Commission of One per Cent. on all Sums paid to the Treasuries which remain under Charge of the Collectors, in the Course of each Month, after deducting all Charges incurred in the same Month, shall, on the passing of each Month's Account, be allowed to the Members of the Committee and their principal Assistants, as the Reward of their Trouble, from this Time, or from the First Day of the Month of Faugun, to the Conclusion of the ensuing Bengal Year, or the End of the Month of Cheyt, 1188; and shall be shared between them in the following Manner; viz. The Whole being divided into Twenty-five Shares, the President shall take Six Shares, each of the other Members of the Council shall have Five Shares, and the remaining Four Shares shall be divided equally between the Secretary and the present Assistant of the Superintendant of the Khalsa Records, who shall continue to perform the same Duties, under the Authority of the Committee and the occasional Orders of the Board, as he has hitherto done under the Superintendant of the Khalsa Records; and these Allowances shall be in lieu of all Salaries, Emoluments, and Perquisites, whatsoever,

14th. Each Member of the Committee shall, on his Admission to his Office, solemnly take and subscribe the following Oath; viz.

I, A. B. do swear, That I will faithfully discharge the Office of a Member of the Committee of Revenue; that I will not receive, directly or indirectly, from any Zemindar, Talookdar, Farmer, or other Landholder or Officer, or other Dependent of the Committee, any Present or Gratuity of any Kind whatsoever; neither will I acquire or receive any lucrative Advantage by my Office, but such as shall be publicly allowed me by the Governor General and Council.  
So help me GOD.

# A P P E N D I X, N<sup>o</sup> 3.

Copy of a Letter from the Committee of Revenue to the Honourable the Governor General and Council, submitting to them, Temporary Establishments for the Chiefs and Collectors of the different Divisions; also Regulations, formed by the Committee, for conducting the Business of their Department.

To the Honourable Warren Hastings, Esquire, Governor General and Council of Fort William.

Honourable Sir, and Gentlemen,

**A**GREABLE to the 8th Article in the Regulations prescribed for our Conduct, we have prepared Temporary Establishments for the Chiefs of the Divisions and Collectors of the Districts; which we have now the Honour to lay before you for your Approbation.

These Establishments do not differ in Form from those which at present exist. In order however to distinguish the real Expenses made in the Collections of the Revenues from the Charges incurred on Account of different Services, we have omitted in these Establishments to insert the Expenses of the Fouzdarry or Dewanny Adawlut, Law Charges, and Inspectors of Opium, which in future we propose shall be entered under the Head of Fort William Presidency. For the same Reason the Articles of Diet Money, Family Allowance, &c. which were formerly paid by the Buxey in Calcutta, are omitted, and we propose that this Mode of Payment shall be adopted in future.

Several of the Gentlemen at the different Subordinates have drawn Allowances for their Moonshys: If you think proper to continue these Allowances, we recommend that they be paid, as formerly, by the Buxey, under the Approbation of the Honourable the Governor General.

The Zemindars of Rajishahy, Rocunpore, Beerbhoom, and Bissenpore, have been allowed Annual Remissions upon account of their Religious Ceremonies, or for their Servants, as follows:

## Zemindar of Rajishahy.

Account Burgundassies, per Month,	—	S <sup>a</sup> R <sup>e</sup>	2,100 — —	
Deb Krutch	—	—	1,500 — —	3,600 — —

## Rocunpore.

Burgundassies	—	—	—	649 — —	
Deb Krutch	—	—	—	342 14 15	991 14 15

## Beerbhoom.

Deb Krutch	—	—	—	74 10 14	
Rajah's Servants	—	—	—	750 — —	824 10 14

## Bissenpore.

Deb Krutch	—	—	—	346 — —	
Rajah's Servants	—	—	—	335 — —	681 — —

Per Month, — Sicca Rupees 6,097 9 9

Per Annum, — Sicca Rupees 73,171 1 8

These Articles we have deducted from the Zemindarry Charges, and they will of course become Additions to the Revenue paid by those Zemindars respectively. It appears to us, on a general Review of the Zemindarry Charges, that some Resumptions may with Justice and Propriety be made from them; but as this Subject is of Importance, we mean to obtain more particular Information, as to the Nature of the original Establishment of these Allowances, before we recommend any further Resumptions; for the present, therefore, these Charges stand as in the former Establishments.

In several of the Districts, Sums are charged Monthly for temporary Services, which do not stand as Articles of these Establishments, as they cannot be considered as permanent, but will of course cease as soon as the Services for which they are now appropriated are executed.

We observe that Rajah Cullean Sing receives Monthly Allowances at Patna to the Amount of Rupees 4,166 17 6: If this Salary is paid to him as Dewan, we think it unnecessary, as he is himself  
SEL. COM. REP. VI.

# A P P E N D I X, N<sup>o</sup> 3.

self the Farmer ; but we rather suppose it is given to him as a Pension, in which Case it should not be considered as a Charge upon the Revenue. We submit to you the Propriety of a Resumption of this Article.

Upon the Whole, these Establishments are calculated to answer the Purposes for which they are designed, at as little Expence as possible. That you may be better enabled to judge of the Reduction which has been made in the Amount of the Charges, we have the Honour to lay before you Two Accounts ; one shewing in general the Amount of the Reduction, and the other specifying more particularly the Articles in which these Retrenchments have been made.

We do not propose these Establishments as finally fixed and permanent ; some Articles of Expence still remain for further Consideration, upon which we cannot decide till we have obtained Explanations from the Collectors regarding them : Some Circumstances may also occur to render Variations in these Establishments indispensably necessary ; and we request your Permission to make such Variations where they shall appear to us indispensable, reporting them to you as they shall take place.

With respect to the Assistants who are to remain with the Chiefs of the Districts, we propose, with your Approbation, to leave the Choice of them to the Chiefs themselves, directing them in general to give a Preference to those Persons who are the best qualified, or those who at present hold Military Paymasterships, or are employed at any Out Stations.

We propose that these Establishments, if they should be honoured with your Approbation, shall take place from the Beginning of the ensuing Bengal Year 1188. The intervening Period is short, and will be necessary for the Chiefs and Collectors to complete their Records, and arrange their Establishments according to the Plans now submitted to you.

We have the Honour to be, most respectfully,  
Honourable Sir, and Gentlemen,

Your most obedient and  
most humble Servants,  
(Signed) J. Shore,

Sam' Charters,  
Cha' Croftes.

Fort William,  
2d March 1781.

The Honourable the Governor General and Council having resolved to invest the Committee with the Functions and Powers appertaining to the Office of the Khalsa ; and having directed them to examine and report on the present State of the other Offices dependant on the Khalsa, and propose such Alterations as shall appear necessary for making them answerable to the Purposes of their Institutions ; the Committee now proceed to take into Consideration these Resolutions and Orders.

The Committee, reverting to the original Regulations for conducting the Business of the Revenue Department at the Presidency, and that of the Khalsa, observe, that the Principles upon which the System was then established, were founded with a View to the Establishment of some future Committee of Revenue, similar to that which has now taken place.

That the Duty of the present Committee is there also defined to consist chiefly in issuing the necessary Orders to the Collectors ; in inspecting, auditing, and passing their Accounts ; in deciding upon all Points of Reference ; and in issuing the necessary Orders ; subject to the Approbation and Controul of the Supreme Council.

That for carrying into Execution the several Duties, the former Establishment of the Khalsa, with some few Variations, will now also be requisite.

That it appears to the Committee, that as the Roy Royan was originally dependant on the Board of Revenue, and directed to attend there, he should also be now considered as an Officer under the Supreme Council.

That in this Capacity, his Duty will still consist in countersigning all such Persian Papers and Orders as are executed by the Supreme Council, or by the Honourable the Governor General.

That he may be the better enabled to carry into Execution such Orders as he shall receive from the Supreme Council or Governor General, he be still allowed to call upon the Native Officers under the Committee, for Copies of such Papers, in the different Sherishtas, as he may require.

That as the Supreme Council have thought proper to appoint a Dewan to the Committee, it will be the Duty of the Dewan to countersign the Papers executed by them, and carry into Execution such Orders as are given to him, and such Duties as appertain to his Office ; to be present at the Meetings of the Committee, and sit with them to receive their Orders ; and to attend the President occasionally, and to report such Matters to him as require his Orders, which he is to obey.

That the Roy Royan, therefore, shall not be allowed to interfere in the Business transacted by the Dewan of the Committee, as such Interference would occasion frequent Disputes and great Delay in the Business, which each would ascribe to the other.

That the Duty formerly vested in the Roy Royan, of superintending the Conduct of the Provincial Dewans, of receiving Accounts from them in the Bengal Language, and of issuing Counterparts of the Orders which the Board of Revenue should expedite to the Collectors, will now become unnecessary.

That with respect to such Provincial Dewans as remain in the Districts where Collectors are stationed,

## A P P E N D I X, N<sup>o</sup> 3.

stationed, they should continue to act under the Directions of those Collectors, to whom the Committee will expedite their Orders.

That with respect to such Provincial Dewans and Naibs as reside in Districts where there are no Collectors, the Committee will also issue their Orders to them through their President; and such Orders are to be countersigned by the Dewan of the Committee.

That the Collectors be accordingly directed to address the Persian and Bengal Copies of such Accounts as they shall send to the Committee, to the Dewan of the Committee; and that Orders be issued to the Provincial Dewans and Naibs, who reside in Districts where there are no Collectors, to adopt the same Mode of Address.

That the executive Business appertaining to the Collection of the Rents of the Huzzoor Mehals, will principally rest with the President of the Committee and Dewan, subject to the Orders of the Committee.

That the Accountant General of the Dewanny will still continue to perform the Duties described in the old Regulations of the Khalsa, or such other Functions as may have since been prescribed by the Honourable Board.

That all the Accounts of the Revenue Department will, as usual, be carried to his Office.

That therefore the Establishment of an Accountant's Office for the Committee, will be unnecessary; but the Duties of such an Appointment may be performed by a Sub-accountant.

That the Duty of a Sub-accountant will be, to receive the Accounts transmitted to the Committee, deliver them to the Accountant General's Office, and prepare Statements of the Kists due from the Huzzoor Mehals more immediately under the Committee, Monthly Towjees of the same, with such other Accounts as he may be directed to furnish.

That he be therefore considered as an Officer jointly under the Committee and Accountant General.

That the Official Establishment for the Roy Royan, specified in the above Regulations of the Khalsa, will not in future be considered as a Part of the Establishment of the Committee, but separate from it.

That instead of the above Office, an Establishment for the Dewan, of a Number of native Officers sufficient to enable him to execute the Duties appertaining to his Appointment, be made.

That a separate Office for the Huzzoor Tehseel, as mentioned in the Old Regulations of the Khalsa, will now become necessary, as the Duties of this Office will be performed by the Dewan and the Officers under him.

That with respect to the Canongoe's Office, it will become the Subject of future Consideration, when the Committee proceed to carry into Execution the Orders of the Honourable Board for the Establishment of the Canongoes.

That the Establishment of a General Treasury Office, as described in the above Regulations of the Khalsa, will still be necessary; but that, to facilitate the Receipt of the Revenues, to check the Accompts, and preserve Regularity in them, it is the Opinion of the Committee, that a *Subordinate Treasury Office* should be established for that Part of the Huzzoor Tehseel, made by the Committee themselves, or their Officers immediately under them.

That in order to prevent all Confusion in Terms, the General Treasury of the Committee do still retain the Name of the *Khalsa Treasury*, and that the subordinate Treasury Office be denominated the *Running Treasury*.

That with respect to the other subordinate Offices dependant on the Khalsa, it will be necessary to retain them, with some Variations, and they will still continue the Functions described in the above Regulations, or such others as shall be prescribed.

The Committee having premised the Observations necessary for carrying into Execution the Orders of the Honourable the Governor General and Supreme Council, now proceed to form their Establishment.

That as nothing contributes more to an expeditious and regular Dispatch of Business than general Forms and Rules, the Committee think it necessary to pass the following Resolutions, for their own Guidance, and that of their Officers under them:

### Collections of the Revenues of the Huzzoor Tehseel.

That Tullub Chittes be regularly issued on the 20th of each Bengal Month, for One Half of the Kist of the Huzzoor Mehals for the same Month.

That on the 30th of each Bengal Month, Tullub Chittes be issued for the remaining Half of the Kist of the same Month.

That on the 5th of the ensuing Month, Bengal Month Districts be issued for the Renters in Arrears.

That to obviate the Inconveniences which have arisen from the Dilatoriness of the Zemindars and Farmers in discharging their Rents at the stipulated Periods of their Kistbundies, and to constrain them in future to be more punctual in their Payments, it be declared to them, that on all Sums remaining in Arrear Fifteen Days after the Expiration of the Period of the Kist, a per Centage of 1 Rupee shall be levied over and above the Amount of the Caboolats.

That



## A P P E N D I X, N° 3, 4.

That on such Part of the Kist of One Month as remains in Arrear after the Expiration of the following Kist, Two per Cent. be levied; and that upon the Deficiencies of every subsequent Kist, the same Penalty be levied in the same Proportion.

That these Regulations extend to the Zemindars and Farmers of all the Mehals within the Divisions of Calcutta, Moorshedabad, Burdwan, and Dinagepore, as the Situation of these Divisions are sufficiently contiguous to enable them to complete their Engagements within the Periods above specified.

That the Dewan do deliver in an Account of the Seah or Receipts to the President, signed by himself, daily; and that the President do lay the Account before the Committee at each Meeting. These Accounts to be deposited with the Sub Accountant.

That the Amount of the Sums brought into the Seah Accounts of each Day in the Subordinate Treasury, be paid in the Evening into the Khalsa Treasury.

### Khalsa Treasury.

That all Remittances from the Collectors and Chief be immediately carried to the Khalsa Treasury, and deposited there.

That all Disbursements whatever be made from the Khalsa Treasury.

That all such Sums as are paid according to fixed Establishments, be paid to an Order of Treasury, signed by the President of the Committee and Accountant General, and counter-signed by the Dewan.

That all Disbursements not included in fixed Establishments, be previously laid before the Committee, who will, if proper, pass an Order for their Payment; after which the Order of the Treasury will be signed by the President and Accountant General, and counter-signed by the Dewan.

That as often as the State of the Treasury admits, Remittances be made from the Khalsa to the General Treasury.

That these Payments be made to an Order, signed by the President and Accountant General, and counter-signed by the Dewan; and that the Sub Treasurer do give a Receipt for every Sum so paid into the General Treasury; which Receipts are to remain with the Kezanchee of the Committee, to be produced with the Monthly Treasury Account.

That the Committee, on the 6th of every English Month, or the next Committee Day ensuing, do examine and audit the Monthly Treasury Accounts, previous to laying it before the Supreme Council.

That on the First Day of every English Month, or next Committee Day ensuing, they do examine the Report upon the Towjee Accounts of the different Collectors and Chiefs, and pass such Orders and Resolutions thereon as they shall deem necessary.

That the Accountant General do also continue to report upon the Accounts, Charges, and Treasury Accounts, of the Collectors and Chiefs; which the Committee will take into Consideration, and pass their Orders, upon the 6th of every Month.

(Signed)      { John Shore,  
                              { Samuel Charters,  
                              { Cha<sup>s</sup> Croftes.

## A P P E N D I X, N° 4.

Plan for the Settlement of the Revenue of Bengal and Bahar, for the Bengal Year 1188; formed by the Committee of Revenue, and submitted by them to the Honourable the Governor General and Council, the 29th March 1781.

THE Honourable Governor General and Council having directed the Committee to form and lay before them a Plan of a Settlement for the ensuing Bengal Year 1188, they now proceed to take these Orders into Consideration.

With a View to the Execution of these Orders, the Committee have directed such Accounts and Materials to be prepared, as they judged useful to give them Information respecting the Capacity, Situation, and Extent of the several Districts, and the peculiar Circumstances which have operated during some Years past, to occasion either Improvement or Decay in the Revenues of each; an Attention to which can alone enable them to form a Plan capable of being reduced to Practice. Most of these Accounts are now ready for their Inspection, and the Remainder will soon be completed.

The Two principal Objects for Consideration are, the Amount of the Settlement, and the Form of it.

## A P P E N D I X, N° 4.

The Amount of the Assessment must depend on the Capacity of the different Districts. In some the Assessment will be found already too great; others again, and the greatest Part, will admit of an Increase.

To proportion this Assessment in such a Manner as it may be realized, the Value of the different Districts must be ascertained: The Committee are of Opinion that this may be accomplished with a sufficient Degree of Accuracy, without entering into *minute Examinations or new local Investigations*.

The Committee have now accurate Accounts of the Settlement, Receipts, Balances, and Remissions, from the Year 1178 to the present Time, as well as of the Zemindarry and Ijarredarry Expenses; the Aumeeny Records will also furnish the Huttabood Accounts of many of the Districts, from the Year 1179 to 1183, and for a longer Period if necessary.

In following the Information to be obtained from these Records, the Committee cannot greatly err in fixing the Amount of the Assessment, particularly as they will add to this the Information to be obtained from all Mutsuddies or others employed in the Collection and Management of the Revenues. The Character and Capacities of the Zemindars, Farmers, and others, who have had Charge of the Collections, will also be taken into Consideration, as being useful in some Cases to ascertain whether the Non-payment of the Rents of any particular Place has been owing to the Fault or Incapacity of the Person employed, or to the Want of Funds in the District.

In comparing these several Accounts and Information, they propose taking some Data as a Ground-work to proceed upon. The Method which appears to them the simplest and easiest is, to take the higher actual Collections that have been made in any one Year from 1178 to the present Time, and from an Examination of the Remissions which have since been granted, and a Comparison of the Huttabood Accounts, and the Receipts of other Years, to form a Judgment as to the Cause of the *Decrease of the Jumma*, which has since appeared, and pass a Decision, whether that Amount should be continued, decreased, or increased. An Attention alone to the Remissions granted, will afford them very satisfactory Information, by shewing the Nature of them, and whether they have proceeded from temporary Causes, or others which have a lasting and permanent Effect; and an Examination of the Charge will also shew how far Additions may be effected from Retrenchments.

The Amount of the Settlement being thus ascertained, the Mode of it is next to be considered.

Three Modes of Settlement prevail in this Country:

To leave the Lands to the Zemindars, or to Farmers, or keep them Khafs.

The Committee are of Opinion, that it will not be advisable to give either of these Modes an exclusive Preference to the rest, but adopt them severally as Circumstances may require.

The Mode which appears to the Committee the most convenient and secure for the Government, and the best for the Ryots and Country, is, in general to leave the Lands with the Zemindars, making the Settlement with them, particularly in the larger Zemindarries, such as Nuddea, Radshahy, Dinagepore, &c. The Considerations which ought to preclude the Zemindars, are, their gross Mismanagement, Oppressions, or Incapacity.

Where Women or Minors are Zemindars, the Committee think some Method should be adopted to prevent the Confusion ordinarily arising from this Circumstance, by fixing a Responsibility upon some Person to whom they can constantly have Access, and upon whom they can enforce the Orders of Government. This may be effected by joining with them in the Management their principal executive Officer, either as *Malzamin*, or by making him annex his Seal to the Agreement signed by the Zemindar, binding himself to pay up the Revenues Kist by Kist, as was formerly the Usage; so that his own private Fortune being rendered responsible for the public Revenue, it may become his Interest to manage the Affairs of the District with Attention and Economy, and to discharge punctually the Amount of the monthly Kists: Without such a Responsibility, the executive Officer of Government will always meet with Difficulties in realizing the Revenues. It is true, that all the Lands may be sold for the Payment of the Rents; but it would be hard to adopt so rigorous a Measure when the Zemindar is known to have had no Share in the Management, and when the Deficiencies have been occasioned by the Incapacity or Dishonesty of the executive Officer.

After the Amount of the Settlement to be paid by any Zemindar has been fixed, it will only remain to call upon the Zemindar to conclude the Engagement, by signing his Cabooleat. If he should demur when the Requisition is made to him, or make any Evasions, as it is probable will be the Case in many Instances, the Government should lose no Time in compelling him to obey their Orders, by sending a Sezawul to take Charge of his Zemindarry, or by putting it into the Possession of a Wadadar, or letting it in Farm. As the Assessment will be regulated with Impartiality and all possible Exactness, there can be no Injustice in obviating, by a decisive Conduct, Evasions calculated to frustrate the Orders of Government.

With respect to Farmers, the Principle upon which they may be introduced may be assigned as follows: Several Divisions contain a Number of Petty Talookdars, with whom a Settlement has been made by the Government itself; such Divisions, and particularly such Parts of them as are either now immediately under the Committee, or are to be put under them, should be let to Farmers; as the Committee would otherwise be greatly embarrassed and impeded in their general Business, by being obliged to enter into the Detail of a Number of Petty Farmers and Talookdars.

As soon as a Judgment has been formed respecting those Districts or Pergannas which are to be let to farm, Advertisements should be put up, giving Notice, that sealed Proposals will be accepted for the Farm of them; the Committee reserving to themselves the Power of such Offers as may be deemed inadequate, or such as are made by People who want Knowledge or Responsibility.

## A P P E N D I X, N° 4. N° 5. N° 6.

With respect to the Period of the Leases in general, it appears to the Committee, that to limit them to One Year will be the best Period, giving a Preference at the Settlement of the next to such Persons as shall have paid up their Rents, and making a Promise of this on the Part of Government.

One or other of the Considerations specified, will include most, if not all, of the Districts in Bengal. It may be necessary however to ask, who is to make the Settlement? It would be difficult to fix any general Rule for this, which would not be liable to Exceptions. The Committee should execute this Task themselves in as many Cases as they can; in some perhaps it would be most expedient to leave the Detail of this with the Collector, or the Officer of Government.

These are the general Principles which occur to the Committee; and, as they have already given their Attention, both separately and collectively, to the several Points from which these Principles have been deduced, and the Cases in which they are to be applied in Practice, they are ready to commence the fixing the new Assessment, and the Persons who are to pay it, as soon as the Governor General and Supreme Council shall have given their Orders on the Plan.

---

## A P P E N D I X, N° 5.

Extract of a Letter from the Honourable the Governor General and Council, in their Revenue Department, dated the 30th March 1781, to the Committee of Revenue, respecting the Settlement of the Revenues of Bengal and Bahar; submitted by them to the Honourable Board the 29th March 1781.

WE approve of the Whole of the Plan which you have recommended, of a Settlement for the ensuing Bengal Year 1188, excepting that Part in which it is proposed in some Cases to leave the Detail of the Settlement with the Collector, or the Officer of Government; of this we cannot approve in any Case, as we conceive it to be inconsistent with the Office of the Person who is to have the Collections of the Settlement, upon the Settlement formed, that he should have any Concern in the Formation of it: We therefore direct, that for such Mhals as cannot be immediately settled by you with the Zemindars, or Persons deputed by them, Persons be expressly deputed from the proper Offices to form the Settlements upon the Spot; and that these be also made, and finally confirmed, by yourselves.

Although we approve of the general Principles on which you propose to regulate your Conduct in the Formation of the Settlement; yet, as it is our Desire to remove every Interference and Embarrassment from the present System of Controul, render it uniform, and to afford every Relief and Ease both to the Ryots and to the Zemindars, which may be consistent with it, and conformable to the ancient Constitution of the Country; we recommend it to you to give all due Encouragement to such Applications as you shall receive from the Zemindars, for the Payment of their Rents immediately to the Khalsa, for the Restoration of their ancient Jurisdiction, and the consequent Abolition of that of the Phouddarry, and for the Settlement of a fixed Revenue during the Lives of the actual Incumbents: In these Points we are desirous to afford every Indulgence to the Zemindars; but shall expect in Return an Increase of their Revenue, bearing some Proportion to the Advantages which the Zemindars will themselves derive in Point of Revenue from them. We think it sufficient thus briefly to suggest this Deviation from your general Plan, leaving it to your Judgment and Discretion to apply it.

We recommend it to you to use the utmost Expedition in concluding the Settlement, transmitting the Amilnamahs as usual to us.

---

## A P P E N D I X, N° 6.

Regulations for the Administration of Civil and Criminal Justice throughout the Provinces.

Revenue Department. Consultation, 6th April 1781.

THE Board taking into Consideration the present State of the Administration of Civil and Criminal Justice throughout the Provinces, pass the following Resolutions concerning it -  
1st. That to remedy the Inconveniences occasioned by the too extensive Jurisdiction of the Mofussil

## A P P E N D I X, N° 6.

Mofful Dewanny Adawluts, established by the Regulations of the 28th March 1780, and thereby to promote the more speedy and effectual Administration of Justice, the following Courts of Civil Judicature (including those now existing) be established throughout the Provinces; the Seats of which to be fixed in the most populous or central Towns within their respective Jurisdictions.

1st.	Mofful Dewanny Adawlut, of Midnapore.		
2d.	—	—	— Rogenautpore.
3d.	—	—	— Chettra.
4th.	—	—	— Patna.
5th.	—	—	— Lowya.
6th.	—	—	— Derbunga.
7th.	—	—	— Tawjepore.
8th.	—	—	— Boglepore.
9th.	—	—	— Rungpore.
10th.	—	—	— Nattore.
11th.	—	—	— Armeeryunge.
12th.	—	—	— Dacca.
13th.	—	—	— Buckergunge.
14th.	—	—	— Islamabad.
15th.	—	—	— Moorly.
16th.	—	—	— Calcutta.
17th.	—	—	— Burdwan.
18th.	—	—	— Moorshedabad.

2d. That the local Extent of the Jurisdiction of these Courts be respectively as follows :

### Jurisdiction of the Dewanny Adawluts.

- 1st. The Jurisdiction of the Adawlut of Midnapore, consisting of,
  - 1st. The District of Midnapore.
  - 2d. — — of Jellafore.
- 2d. The Jurisdiction of the Adawlut of Rogenautpore, consisting of,
  - 1st. The District of Pachete, including the petty Mehals.
  - 2d. The District of Bissenpore.
- 3d. The Jurisdiction of the Adawlut of Chettra, consisting of,
  - 1st. The District of Ramgur.
  - 2d. — — Palamaw.
  - 3d. — — Naugpore.
  - 4th. — — Kendy.
  - 5th. — — Currickdea.
  - 6th. — — Chackye.
- 4th. The Jurisdiction of the Adawlut of Patna, consisting of,
  - 1st. The Circar of Shahabad.
  - 2d. — — Behar.
  - 3d. — — Rotas.
- 5th. The Jurisdiction of the Adawlut of Lowya, consisting of,
  - 1st. The Circar of Sarun, including Hufsipore.
  - 2d. — — Champarun, including Betteah.
- 6th. The Jurisdiction of the Adawlut of Derbungah, consisting of,
  - 1st. The Circar of Tirhoot.
  - 2d. — — Hajypore.
  - 3d. That Part of Purnea lying to the Westward of the Coofah River.
  - 4th. That Part of the Boglepore District situated to the Northward of the Ganges.
- 7th. The Jurisdiction of the Adawlut of Tawjepore, consisting of,
  - 1st. The District of Hevelley, Penjarah, or Dinagepore.
  - 2d. The District of Purnea, excepting that Part of it to the Westward of the Coofah.
  - 3d. The District of Malduar, and all that Part of the Rajemahal District situated to the Eastward of the Ganges.

## A P P E N D I X, N° 6.

- 8th. The Jurisdiction of the Adaulut of Boglepore, consisting of,
- |   |   |
|---|---|
| 1st. That Part of the Districts of Rajemahal to the Westward of the Ganges. | } Being the present extent of the Collectorship, excepting such Parts thereof as lie to the Northward and Eastward of the Ganges. |
| 2d. That Part of the Boglepore District to the Southward of the Ganges.     |   |
| 3d. The District of Mingheer, lying all to the Southward of the Ganges.     |   |
| 4th. Pergunnahs of Sultanabad and Amaar.                                    |   |
- 9th. The Jurisdiction of the Adawlut of Rungpore, consisting of,
- |   |
|---|
| 1st. The District of Rungpore, including Beharbund. |
| 2d. — — Rungamatty.                                 |
| 3d. — — Goragaut, and Bojouhow or Bozuhah.          |
| 4th. — — Seroopore, and Pattladah, and Beeturbund.  |
- 10th. The Jurisdiction of the Adawlut of Nattore, consisting of,
- Firstly, the Division of Silberries, viz.
- |   |
|---|
| 1st. The Purgunna of Silberries Proper. |
| 2d. — — Barbuckpore                     |
| 3d. — — Chewgong                        |
| 4th. — — Chowra                         |
| 5th. — — Behar, &c.                     |
| 6th. — — Deyteah, &c.                   |
| 7th. — — Atteah.                        |
| 8th. — — Burbazoo.                      |
| 9th. — — Cogmary.                       |
| 10th. The Purgunna of Sakeny.           |
- Secondly, Of all those Parts of the Zellah or Division of Moorshedabad that are situated to the Northward of the Pudda, or Eastern Branch of the Ganges; the Principal of which are,
- |  |
|--|
| 11th. The District of Bettereah, including also that small Portion of it which is situated to the Southward of the Puddah.   |
| 12th. The Purgunna of Pookerea.  |
| 13th. — — Rokumpore.   |
| 14th. — — Luskerpore.  |
| 15th. — — Chundley.  |
| 16th. — — Jehanguirepore.  |
| 17th. — — Colligong.   |
| 18th. — — Tahirpore.   |
| 19th. — — Messideh.  |
| 20th. — — Kattendah.   |
| 21st. — — Futtejungpore.   |
| 22d. — — Maunkour.   |
| 23d. — — Cossimpore.   |
| 24th. — — Kherbah, together with such other unspecified Parts of this Division as lie to the Northward of the River, except the Annexations made to the Jurisdiction of the Rungpore; for which vide that Article. |
- 11th. The Jurisdiction of the Adawlut of Azimery Gunge, to include all Sylhet, and that Portion of the Dacca Province situated to the Northward of the Burhampooter, and the Jutas.
- 12th. The Jurisdiction of the Adawlut of the Town of Dacca, consisting of that Portion of the Dacca Province bounded on the North by the Rivers Teetas and the Burhampooter, to the East by Tepperah and Chettagong, to the West by the River Migna, as far as Chundpore, and thence to the North-west by the Cally Gonga and the Ganges or Puddah, to Boosna on the West, and the Districts that form the Eastern Boundary of the Jurisdiction of the Adawlut of Nattore.
- 13th. The Jurisdiction of Buckergunje, consisting of that Portion of the Dacca Province lying to the Southwest of the Ganges or Puddah and the Cally Gunga, and to the West of the Megna from Chundpore to the Sea, having as its Western Limits the Eastern Frontier of the Districts of Boosna and Jessore, down to the Mouth of the River of Roymungle, including also all the Islands belonging to and situated on the Coast of the Dacca Province, except the Purgunna of Sundeeep and its Dependencies.
- 14th. The Jurisdiction of the Adawlut of Islamabad, consisting of,
- |   |
|---|
| 1st. The District of Chittagong.                |
| 2d. — — Tepperah.                               |
| 3d. Purgunna of Sundeeep, and its Dependencies. |

15th. The

## A P P E N D I X, N<sup>o</sup>. 6.

- 15th. The Jurisdiction of the Adawlut of Moorly, consisting of,
  - 1st. The District of Boofna.
  - 2d. — — Shaoojeal.
  - 3d. — — Jeffore.
  - 4th. Purgunna of Mahomed Shahy.
  - 5th. — — Syedpore.
- 16th. The Jurisdiction of the Adawlut of Calcutta, consisting of,
  - 1st. The Purgunna of Kishnagur.
  - 2d. The Chuckla of Houghly, including that of Hidgellee, and the Districts of the 24 Purgunnas, and Mahomud Armeen-pow.
- 17th. The Jurisdiction of the Adawlut of Burdwan, consisting of that Chuckla or Purgunna, including the District of Sautseeka, and Tannah of Cutwah.
- 18th. The Jurisdiction of the Adawlut of Moorshedabad, consisting of,
  - 1st. The Purgunna of Beerbhoom.
  - 2d. The Purgunna of Rajeshaw, exclusive of Amaar and Sultanabad, annexed to Boglepore, and Sursoopore and Pattladah, and Beerturbund, annexed to the Jurisdiction of Rungpore.
  - 3d. The Purgunna of Futtefing.
  - 4th. Such remaining Portion of the Division or Zeelah of Moorshedabad (excepting Boofna, the Tannah of Cutwah and Shaoojeal) as is situated to the Southward of the Pudda or Ganges.

3d. That such of the above Courts as are situated in large Towns, in populous and opulent Countries, and in the interior Parts of the Provinces, be continued on the present Footing, under the Charge of Covenanted Servants of the Company (who are hereafter to be stiled Judges instead of Superintendants) with a Jurisdiction distinct from that of the Persons who remain in temporary Charge of the Collections. Under this Description are included the Courts of Midnapore, Rogonautpore, Patna, Lowya, Durbanga, Tajepore, Nattore, Dacca, Azmeery-Gunje, Buckergunje, Moorly, Calcutta, Burdwan, and Moorshedabad.

4th. That the Countries over which it is proposed to extend the Jurisdiction of the remaining Courts of Chettra, Boglepore, Islamabad, and Rungpore, being in general situated on the Frontiers of the Provinces, and so poor and thinly peopled, that any additional Courts or Jurisdictions, instead of affording Relief, might be productive of Vexation to the Inhabitants; the Dewanny Courts in each of these Districts be therefore held by the same Gentlemen who have the temporary Charge of the Revenue, until a more complete Jurisdiction can be established; but that they shall consider the Duty of their Courts as entirely distinct from that of their Collectorships, as in these they shall be subject to the Orders and the Controul of the Committee of Revenue, whilst in respect to the former, they shall be wholly independent of that Board, and subject only to the Orders of the Judge of the Sudder Dewanny Adawlut, and of the Governor General and Council: That they shall transmit Copies of all their judicial Proceedings, as Judges, to the Court of Sudder Dewanny Adawlut, to which an Appeal shall, in like Manner with the other Mofussil Adawluts, lie from their Decisions: And that they shall take the Oath which has been prescribed by the last Article of the Regulations of the 28th March 1780; and act in every Respect in Conformity to the Rules laid down for the other Judges; between whose judicial Situation and theirs, no other Difference is intended to exist, except that their Courts will not require an Establishment equal to those that are separate from the Collections.

5th. That the Seat of the Adawlut which has Jurisdiction over the Districts of Purnea, Dinagepore, &c. be removed from the former of these Places to Tawjepore, as a more central Situation within its general Jurisdiction, and therefore more convenient for those who are rendered subject to it: A Consideration which has, further, been a chief Inducement to the Board to establish the several new Courts of Nattore, Durbanga, and others, to complete the Plan, so as that there may remain no Place at so great a Distance from a Court of Judicature, as to preclude its Inhabitants from an easy Access to Justice. But the Court at Patna is to remain until it shall be found on future Experience more expedient to transfer the Seat of its Jurisdiction to some more central Situation.

6th. That as the Establishment of Foujedars and Tannadars, which was intended for the Preservation of the Peace, and to assist in the due and effectual Exercise of the Jurisdiction of the criminal Courts throughout the Provinces, has by Experience been found not to produce the good Effects intended by the Institution, it be therefore annulled, and that the Nabob be accordingly requested to recall all these Officers, the Phousdar of Houghly only excepted; the different Nature of whose Office requiring it should be continued, at least for the present.

7th. That the more effectually to promote the Introduction of good Order in the several Districts, the Judges of the several Dewanny Adawluts be, on the Recall of the present Establishment of Foujedars and Tannadars, independently of their judicial Authority in Civil Causes, invested with a Power as Magistrates of apprehending Decoits, or Persons charged with the Commission of any Crimes or Acts of Violence within their respective Jurisdictions: They shall not however be empowered to try or punish such Persons, nor detain them in Confinement; but shall immediately send them to the Darogah of the nearest Foujedarry Court, with a Charge in Writing, setting forth the Grounds on which they have been apprehended.



## A P P E N D I X, N<sup>o</sup> 6.

8th. That as Cases may happen in which, by especial Permission of the Governor General and Council, certain Zemindars may be invested with such Part of the Jurisdiction now exercised by the Foujedars and their Officers, in the several Districts, as they heretofore enjoyed under the ancient Mogul Government, it be in all such Cases a Rule, that the Judge of the Dewanny Adawlut and the Zemindar shall both, jointly and separately, possess a concurrent Jurisdiction for the Apprehension of all Deccots, Robbers, Thieves, or other Disturbers of the Peace, and for sending them to take their Trial, accompanied with a written Charge, to the Darogah of the next Foujedarry Court.

9th. That the Authority to be vested in the Judge and Zemindar, as specified in the Two last Articles, shall in no wise exclude the Darogahs of the Foujedarry Courts from the Exercise of their Official Authority, in the Apprehension and Trial of all Persons subject to their Jurisdiction; their Proceedings in respect to all which, they continue, as formerly, to report to the Nazim, as their immediate Superior.

10th. That in all Cases wherever there shall exist a concurrent Jurisdiction between the Judges and the Zemindars, as described in the 8th Article, they be required mutually to assist and act in Concert with each other whenever it may be necessary; besides which, they are also jointly or separately to afford similar Aid to the Darogah of any Foujedarry Court within their respective Limits, upon his Requisition to that Effect, either for the Purpose of apprehending any Person or Persons liable to be tried by their Court, or of executing any of its Sentences regularly passed.

11th. That the better to enable the Government not only to observe the Effects of the Authority thus to be intrusted with the Judges of the Civil Courts, and Zemindars of the Districts, but also to watch over the general Administration of Criminal Justice throughout the Provinces, there be established, under the immediate Controul and Direction of the Governor General, a separate Department at the Presidency, to receive the Reports and Returns of the Proceedings of all the Foujedarry Courts; which shall regularly continue to be transmitted to him in the Manner specified in the Two next Articles.

12th. That each Judge, and every Zemindar possessing the Jurisdiction specified in the 7th and 8th Articles, do regularly transmit to the Governor General, on the 1st of every Bengal Month, an authenticated Report of all Persons apprehended and sent for Trial by them respectively, during the Course of the preceding Month; accompanied with attested Copies of the Charges laid against them, and specifying to what Adawlut each Party committed has been severally conveyed.

13th. That the Nabob be requested to give Orders, that Lists with the Names of all Prisoners in actual Confinement by Orders of the Foujedarry Courts, be monthly transmitted to the Governor General, with separate Lists of all Persons committed in the Course of the Month, certifying by what Authority each of them was apprehended; and similar Lists of all Prisoners discharged within the same Period, together with Copies of the Fetwahs or Sentences, and Hookums or Orders, of the Nazim, passed and issued in the Course of the same Month.

14th. That a Covenanted Servant be appointed, under the Direction of the Governor General, with the Title of "Remembrancer of the Criminal Courts;" who shall have Charge of all the aforementioned Returns and Papers, and shall keep them duly arranged according to their proper Places and Dates, and shall make and keep Translations of the same, with Abstracts drawn up, so as to afford a ready Reference and Comparative View between the several Reports to be received from the Nazim, the Judges, and Zemindars respectively, in such Manner as to prove an effectual Check on all the Persons employed in the Administration of Criminal Justice, as well as for such other Purposes as the Experience of his Office may suggest.

15th. That the Remembrancer be allowed the following Salary :

Remembrancer (including Salary, House Rent, and all Contingencies) per Month	S <sup>r</sup> R <sup>s</sup>	1,000
His Assistant	—	100
1 Moolavie	—	100
1 Moonshy or Copyist	—	30
Total per Month	R <sup>s</sup>	1,230

# A P P E N D I X, N<sup>o</sup> 7.

## Subsidiary Regulations for the Dewannee Courts.

1. **T**HAT the Rules, Orders, and Regulations before established, so far as they are not altered or abrogated by the following Rules, Orders, and Regulations, be the Standing Rules, Orders, and Regulations, as well for the Adawluts heretofore established, as for the new Adawluts.

Revenue Department, Consultation, 6th April 1781.

2. That within One Month after the Receipt of these Orders, in the Sudder Dewannee Adawlut, and in the several Dewannee Adawluts, a Table of Fees to be allowed to the Officers and Clerks of such Courts be framed and made by the Judge of the Sudder Dewannee Adawlut, and of such Dewannee Adawluts where no Table of Fees has been yet established; and that within the same Time, as well the new created Adawluts as the Adawluts formerly established, and the Sudder Dewannee Adawlut, do transmit to the Governor General and Council, the Table of Fees respectively established in such Courts, that the Governor General and Council may controul, alter, or approve the same; and that after such Table shall be so altered or approved, the several Clerks and Officers may demand and receive such Fees respectively as shall be allowed thereby.

3. That a Copy of the allowed Table of Fees, within One Week after the same shall be received by the several Courts, be affixed in some conspicuous Place in the Rooms where the respective Courts are held; and that such Copy be written in a legible Hand, in the English, Persian, and Bengal Languages. That no Clerk or Officer, or any Person concerned in the Administration of Justice in the Sudder Dewannee Adawlut, or in any Dewannee Adawlut, do demand or accept any Fee or Fees other than the Fee or Fees authorized by such Table; or any other Sum or Sums of Money, Reward or Gratuity, on any Pretence whatsoever, on Pain of Dismissal from his Office, and the Forfeiture of Treble the Sum of the Value of any Reward or Gratuity accepted or received; the same being duly proved, in a Suit instituted for that Purpose in the Court of Sudder Dewannee Adawlut; which Suit the said Court of Sudder Dewannee Adawlut is hereby authorized to receive, hear, and determine.

4. That the Judge of every Court of Dewannee Adawlut do keep a faithful Account of the Fee paid in Deposit at the Commencement of each Cause; and likewise of all Fees received by the respective Officers of each Court; and do transmit to the Judge of the Sudder Dewannee Adawlut, at the Expiration of every Three Months (the First Three Months to be calculated from the Date of this Order) a true and authentic Copy of such Account, together with the Monies arising from the Fees received as aforesaid in Deposit.

5. That the respective Judges of the Dewannee Adawluts heretofore established do, within One Month after the Receipt of these Orders, transmit to the Judge of the Sudder Dewannee Adawlut, a true Account of the Fees received in Deposit in their respective Courts, by themselves or their Predecessors, from the first Institution of such Courts, whether such Fees in Deposit were paid at the Commencement of Causes, or in consequence of Appeals, together with the Money arising from such Fees.

6. That henceforward no Court of Dewannee Adawlut shall exact or receive any Fee in Deposit, in consequence of any Appeal; but shall receive every Appeal without such Fee, and transmit the same to the Sudder Dewannee Adawlut, in pursuance of the Rules of the Court, in like Manner as if such Fee had been paid.

7. That at the Commencement of any Suit in the Sudder Dewannee Adawlut, or in any Dewannee Adawlut, if it shall be proved, to the Satisfaction of the Judge of the Court in which the Suit shall be commenced, by the Oath of the Plaintiff, and of Two credible Witnesses that they believe such Oath to be true, that the Appellant or Plaintiff is, after all his just Debts paid, not worth more than the Sum of One hundred Sicca Rupees, exclusive of the Value of the Deposit by the former Rules, Orders, and Regulations required to be made; it shall be competent for the Judge of the Court in which the Suit shall be instituted, in lieu thereof to accept either a Malzamine to the Amount of such Deposits, or an Hazirzamine, to be respectively entered into by the Appellant or Plaintiff, and Two good and sufficient Securities, according to the Discretion of such Judge.

8. That where a Malzamine shall have been given, the Judge shall, if the Suit be determined against the Appellant or Plaintiff, cause the same to be paid; and if the Fee recovered, and where a Hazirzamine shall have been given, and the Plaintiff or Appellant shall have failed in his Suit, the Judge, if he shall deem the Suit frivolous or vexatious, and the Plaintiff or Appellant shall not pay the Deposit Fee, shall, and is hereby authorized to commit such Appellant or Plaintiff to the Common Jail, for any Space of Time not exceeding Three Months; and if the said Two Securities shall not produce such Plaintiff or Appellant, so that he may be proceeded against as aforesaid, if such Securities shall not cause such Deposit Fee to be paid, the Court shall, and is hereby authorized to commit such Securities to the Common Jail, for any Space of Time not exceeding Three Months.

9. That in all Cases where the Sudder Dewannee Adawlut shall transmit any Order or Process, to be

be served or executed by the Judge of any Dewannee Adawlut, if the Party on whom the same is to be served or executed shall have absconded, or is not, after diligent Search, to be found, the Judge to whom the same is directed shall cause a Writing, in the Persian and Bengal Languages, to be stuck up in some conspicuous Part of the Room in which the Adawlut shall be held; which Writing shall contain a Copy of the Order or Process, and a Notice, that if the Party shall not obey the Exigence thereof within the Time limited thereby, the Court of Sudder Dewannee Adawlut will, without further Notice, Process, or Order, proceed ex parte to hear, try, and determine the Cause in which such Process or Order had issued.

10. That every Process, Rule, Order, or Decree, shall be immediately served or executed, without Application to, or the Interference of, any Person what ever, according to the Requisition thereof; provided that in every Case where any Zemindar, Talookdar, or Chowdry shall be Defendant, it shall not be competent to the Judge of the Dewannee Adawlut to issue any compulsory Process against him, to compel him to appear or answer, until a Summons shall have been first issued, requiring him to appear and answer, either in Person or by his Vackeel: And if such Summons shall have been issued and duly served, and such Zemindar, Talookdar, or Chowdry shall not obey the same; or if such Summons shall have issued, and such Zemindar, Talookdar, or Chowdry, shall abscond to avoid the Service thereof, or shall not, after diligent Enquiry, be found, it shall be competent to the Judge of the Dewannee Adawlut, on the Return of such Summons, and Proof of such Facts by Oath made before him, to issue against such Zemindar, Talookdar, or Chowdry, the like Order or compulsory Process as may and is used to issue against a Defendant not being a Zemindar, Talookdar, or Chowdry.

11. That if any Zemindar, Talookdar, or Chowdry shall resist or cause to be resisted any Process, Order, Rule, or Decree, which shall at any Time issue from the Court of Sudder Dewannee Adawlut, or any Court of Dewannee Adawlut, on any Proof thereof being made by Oath to the Satisfaction of the Judge of that Court from which such Process, Order, Rule, or Decree shall have issued, such Court may and shall call on such Zemindar to answer to such Charge; and if such Zemindar, Talookdar, or Chowdry, shall refuse or neglect to make Answer to the same, or if after Answer given, and the hearing of such Evidences as he may produce, it shall be proved to the Satisfaction of the Court that he is guilty of such Charge, the Court shall award and decree that such Zemindar, Talookdar, or Chowdry, do, from the Time of the Decree then made, forfeit his Zemindarry, Talookdarry, or other Lands respectively, and every Right and Title which he or his Heirs may have in or to the same; and if any such Decree be made in any Court of Dewannee Adawlut, it shall be lawful for such Zemindar, Talookdar, or Chowdry, to appeal to the Sudder Dewannee Adawlut; and if the Sudder Dewannee Adawlut shall confirm such Decree, or shall make any original Decree against any Zemindar, Talookdar, or Chowdry, on Account of any Resistance made or caused to be made to any Process, Rule, Order, or Decree of the Sudder Dewannee Adawlut, the Judge of the Sudder Dewannee Adawlut shall, within One Month, transmit to the Governor General and Council such Decree, with all the Proceedings relative thereto: And in case any Zemindar, Talookdar, or Chowdry, against whom such Decree shall be made in any Court of Dewannee Adawlut, shall not appeal against the same within the Time limited for Appeals, then the Court which shall have made such Decree shall, within One Month after the Expiration of such limited Time, transmit to the Governor General and Council the said Decree, with all the Proceedings belonging thereto: Provided always, that such Zemindar, Talookdar, or Chowdry, shall not be ousted or expelled from the Possession of such Zemindarry, Talookdarry, or other Land, except by or in virtue of an Order from the Governor General and Council, and confirming such Decree, and ordering and directing the Manner in which the same shall be carried into Execution, and to whom the Possession of such Zemindarry, Talookdarry, or other Lands shall be delivered; and that it be competent to the Governor General and Council either to order such Decree to be executed, or to change or commute such Forfeiture for any Sum of Money which the Governor General and Council shall deem adequate to the Offence for which a Decree had been given.

12. That in case of any Process, Rule, Order, or Decree being transmitted to any Judge of any Dewannee Adawlut, from the Sudder Dewannee Adawlut, to be served or executed, the Return to the same being made, either by an Indorsement on such Process, Rule, Order, or Decree, or be written on a Paper or Papers firmly annexed to the same, and that in such Case there be an Indorsement on such Process, Rule, Order, or Decree, referring the Judge of the Sudder Dewannee Adawlut to the Return contained in such annexed Paper or Papers; and that the Judge of the Dewannee Adawlut do cause a Copy of such Process, Rule, Order, or Decree, together with the Return made thereto, to be made out and deposited among the Records of the Dewannee Adawlut.

13. That if any Cause of Action shall have arisen, or shall arise, or any Defendant against whom any Suit shall be commenced in any Dewannee Adawlut, shall reside in or near the Confines of the local Jurisdiction of any Courts of Dewannee Adawlut, and the Suit shall be commenced in any Court of Dewannee Adawlut whose Confines are contiguous to the Confines of the Court to which such Suit might more properly belong, the Court in which the Suit shall be first commenced shall proceed in the same, and hear, try, and determine, pass Judgment, and execute such Judgment, in the same Manner as if the Cause of Action of such Suit, or the Defendant in such Suit had resided in the undisputed local Jurisdiction of such Court; and the Officers of such Court shall execute every Rule, Process, Order, or Decree concerning such Suit, without any Let or Hindrance from any other Court of Dewannee Adawlut claiming to hold Jurisdiction in the Place where such Cause of  
Action

## A P P E N D I X, N<sup>o</sup> 7.

Action hath arisen or shall arise, or in which such Defendant shall reside; and it shall not be competent to any other Court of Dewannee Adawlut to entertain any Suit for the same Cause of Action; and on Proof being made, in any Court of Dewannee Adawlut in which a second Suit shall be commenced on such Action, that a prior Suit hath been instituted in such other Court of Dewannee Adawlut, the Court in which the second Suit shall have been brought, shall dismiss the same with Costs, to be paid by the Parties there suing.

14. That the Court of Dewannee Adawlut of Calcutta do not, on any Pretence whatsoever, receive or entertain any Suit whatsoever, brought on account of, relating to, or in anywise concerning any Land, Houses, Tenements, or Hereditaments, or of any Disputes of Boundaries of Lands, Tenements, or Hereditaments, situate, lying, and being within the Town of Calcutta, as described by a late Rule, Ordinance, and Regulation, made by the Governor General and Council, and approved and consented to by the Supreme Court of Judicature at Fort William in Bengal, on or about the Day of \_\_\_\_\_ under the Authority of a certain Act of Parliament, passed in the Thirteenth Year of His present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe;" nor any Suit whatsoever where the Defendant of such Suit shall be an Inhabitant of such Town so described at the Time when such Suit shall be commenced.

15. That the whole Charge and Expence of the Dewannee Adawlut be defrayed through the Sudder Dewannee Adawlut, under the Sanction and Authority of the Judge of the Court; who is hereby authorized monthly to draw for and receive from the Khalsa Treasury, the Amount to be disbursed on this Account. That to assist the Judge of the Sudder Dewannee Adawlut in the additional Trouble which will devolve upon him, as well in receiving as in accounting for the several Deposit Fees before mentioned, as the Receipts and Disbursements of the Charges and Expences of the Establishment of the Dewannee Adawlut, he be authorized to appoint a Person to act under his Direction as Accountant and Treasurer to the Sudder Dewannee Adawlut, and the several Courts of Dewannee Adawlut, with a Salary of 1000 Rupees per Month, to be assisted with One Writer with a Salary of 100 Rupees per Month, and One Sircar with a Salary of 30 Rupees per Month.

16. That the Accounts of the Receipts and Disbursements of the Sudder Dewannee Adawlut, and of the Dewannee Adawluts, be every Month transmitted, signed by such Treasurer and Accountant, and countersigned by the Judge of the Sudder Dewannee Adawlut, to the Governor General and Council in their Revenue Department, to be from thence forwarded by them to the proper Officers.

That the Accountant and Treasurer do cause accurate Accounts to be made of all Sums of Money, as well received from the Sudder Dewannee Adawluts as in the Sudder Dewannee Adawlut, on account of Deposit Fees; and do, after the Expiration of every Six Months (the First Six Months to be calculated from the Date of these Orders) transmit a true Copy of the same, signed by the Treasurer and Accountant, and countersigned by the said Judge, to the Governor General and Council; and that he cause the said Sums to be kept in Chests provided for that Purpose, with Two Locks, one Key of which shall be kept by such Judge, and the other Key by the Treasurer and Accountant; and that all such Monies shall be and remain at the Disposal of the Governor General and Council; and that the Judge of the Sudder Dewannee Adawlut, and the Treasurer and Accountant, shall obey all such Orders respecting the Payment and Disposal of such Monies as they shall from Time to Time receive, signified to them under the Hands of the Governor General and Council; and such Orders of the Governor General and Council shall be a sufficient Acquittal and Discharge to such Judge and Treasurer and Accountant, for all Sums paid by virtue of such Order.

17. That the Judge of the Sudder Dewannee Adawlut do punctually report at the Expiration of every Six Months (the First Six Months to be calculated from the Date of these Orders) to the Governor General and Council, from what Judges of Dewannee Adawluts he shall have received, as well the Accounts of the Sums of Money required to be transmitted from them to the Sudder Dewannee Adawlut, as the several Accounts on Records, Proceedings, and Papers, which have heretofore been required to be transmitted by any former Order or Orders; and if he shall not receive the same, then he shall report from whom he hath not received the same; and if he shall only receive Part of the same, then he shall report what Part he hath received and what Part he hath not received, together with the Names of the Defaulters in such Behalf.

18. That to enable the Judge of the Sudder Dewannee Adawlut to draw on the Khalsa Treasury for the Charge and Expence of the several Dewannee Adawluts, the Secretary of the Revenue Department do immediately make out and transmit to the Judge of the Sudder Dewannee Adawlut, an accurate Account of the Establishment of the Sudder Dewannee Adawlut, and of the several Dewannee Adawluts.

19. That a true and faithful Copy of these Orders be transmitted to the Judge of the Sudder Dewannee Adawlut, and to the Judges of the several Dewannee Adawluts respectively; and that the same be openly published in such Courts. And that the 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and 19<sup>th</sup> of these Orders be translated by the Translators of the several Courts respectively into the Bengal and Persian Languages, and be affixed, for the Space of One Month at least, in some conspicuous Part of the Room in which such Courts shall be respectively held.

20. That the Judge of the Sudder Dewannee Adawlut be requested to revise the Rules, Orders, and Regulations of the Sudder Dewannee Adawlut, and of the several Dewannee Adawluts, from their first Institution, to strike out such Rules, Orders, and Regulations as are repugnant to, or abrogated by, subsequent Rules, Orders, and Regulations; and to compile therefrom an uniform System of

## A P P E N D I X, N<sup>o</sup> 7, 8, 9.

Rules, Orders, and Regulations : and to add such new Rules, Orders, and Regulations, as to him shall seem conducive to the due Administration of Justice ; and that he do report the same to the Governor General and Council, when the same shall be completed, for their Controul, Alteration, or Approval.

---

## A P P E N D I X, N<sup>o</sup> 8.

Extract from Mr. Hastings's Letter to Major Scott, dated 15th May 1781.

**REVENUE**—We have abolished all the Provincial Councils, and have given the general Administration of the Revenues to a Committee, consisting of Four Persons. The present Members are Messrs. Anderson, Shore, Chartres, and Croftes : They have no fixed Salaries, and are sworn to receive no Perquisites ; in lieu of both they are to draw a Commission of One per Cent. on the monthly Amount of their real Collections, and that Commission is doubled on such Sums as are paid immediately into the Treasury in Calcutta. By this Plan we hope to bring the whole Administration of the Revenues to Calcutta, without any intermediate Charge or Agency, and to effect a Saving of Lacks to the Company, and to the Zemindars and Ryots. I hope also to make a large Increase of the Collections, and to add to that Increase in the next Year. The Increase made this Year will be about Twenty-seven Lacks, and the Savings Twelve, in all Thirty-nine Lacks. I have left Chiefs for a Time as Collectors ; the others have been allowed to retain their Salaries till they get other Employments ; and with the Addition of new Courts of Justice, and other Means, I have fortunately provided for many of them. Read the Plan and Minute introducing it : It will not discredit me, but the Event will put those to shame who condemn it.

**Courts of Justice**—I have said that I have established other Courts, that the Distribution of Justice may be equal. The Judges are all sworn : They have a Fouzdarry Jurisdiction added to their former Powers, that is, the Power of apprehending Robbers, and other capital Offenders against the Public Peace. This Duty was before vested in Fouzdars, who were appointed by Mahomed Reza Cawn, subject and accountable to him only, and maintained at the Expence of Five Lacks a Year, besides what they drew by oppressive Exactions from the poor Ryots, of which there had been great Complaints. The Judges are young Men, as well chosen as they could be ; they are under the Instruction and Controul of the Chief Justice, and therefore less liable to Error, if they acted with no other Check than that of the Board, which has too many Occupations to give the requisite Attention to them ; and being under his Protection, they will not be discouraged from the Discharge of their Duty, by the Apprehension or Threats of Prosecution in the Supreme Court.

---

## A P P E N D I X, N<sup>o</sup> 9.

Extract of a Letter of Instructions from the Governor General and Council to the Provincial Council ; dated the 9th Day of March 1775.

Par. 4. **Y**OUR Salaries having been provisionally settled until the Pleasure of the Court of Directors should be known, we consider them as standing in lieu of all Emoluments whatsoever, except the Advantage of House Rent, where the Honourable Company have Houses that can, without Detriment to their Service, be spared for the Use of the Chief.

## A P P E N D I X, N<sup>o</sup> 10.

Copy of a Letter from the Chief and Council of Dacca to the Governor General and Council, concerning Salaries, dated 23d March 1775.

To the Honourable Warren Hastings, Esquire, President and Governor General, and to the other Members of the Council of Revenue, Fort William.

Honourable Sir, and Gentlemen,

**A**S it is our Wish and Intention to conform strictly to the Orders of our Superiors in the Administration, and we have at the same Time a full Sense of the Penalties which are annexed to a Deviation from the Prescriptions of the late Act of Parliament; we think it incumbent on us to remonstrate, which we mean to do with the utmost Deference, against the Insufficiency of our present Salaries; which, you are pleased to say in your Letter of the 9th Instant, shall be in lieu of all Emoluments. Solicitous to discharge our Duty with Honour and Fidelity to our Employers, we should be happy to enjoy such Means of Subsistence and moderate Advantage as might place us above the Temptations which must occur to Men vested with the general Superintendency of Justice and Revenue in an extensive Province. The great Expence at which Europeans obtain the Conveniencies of Life in this Country, must be too well known to you all, Gentlemen, to require minute Description. This Expence is enhanced in many Articles by our Distance from Calcutta, on account of the encreased Charge and Risk of Transportation; and by the Stations we have the Honour to hold under the Government, which, as they place us amidst the Agents of Foreign Nations, and at the Head of our own Society, oblige us to keep up those Appearances which the common Practice of Mankind has in a Manner rendered necessary. We beg Leave to mention, that when the Provincial Councils were first established, a monthly Salary of 3,000 R<sup>s</sup> was assigned to the Chief, in consideration of his relinquishing the Advantages of Trade. We are now equally deprived of this and all other Means of Advantage, even such as will be enjoyed by every Class of People but the English. Under these Circumstances we appeal to universal Experience, but more than all to your own Knowledge and Candour, to determine, whether, with the Salaries now allotted us, it is possible for us to reserve any Thing for the Prospects every Man indulges who exposes himself to the Dangers of a pernicious Climate, or even to live for the present in an easy and respectable Manner. We flatter ourselves, Gentlemen, you will not be displeased at the Freedom of this Remonstrance, which appears to us equally due to our own Characters and your Expectations.

We beg Leave to subscribe ourselves, with the greatest Respect,  
Honourable Sir, and Gentlemen,

Dacca,  
March 23d 1775.

Your most obedient  
humble Servants,  
(Signed)

C. W. Boughton Rouse,  
C. Purling,  
W. M. Thackeray,  
J. Shakespear,  
Will<sup>m</sup> Hollond.

Extract of a Letter from the Honourable Governor General and Council to the Dacca Council, dated, Fort William, the 31st March 1775.

We have already made a Representation to the Court of Directors on the Subject of your Allowances, but think ourselves not authorized to make any Addition to them without their Orders: We will not fail however to enforce the Subject upon every proper Occasion.

(Signed)

Warren Hastings,  
J. Clavering,  
Geo. Monson,  
Rich<sup>d</sup> Barwell,  
P. Francis.

Copy of a Letter from the Chief and Council of the Dacca Province to the Governor General and Council; dated 1st September 1777.

To the Honourable Warren Hastings, Esquire, Governor General, and the other Members of the Council of Revenue.

Honourable Sir, and Gentlemen,

Three Years are now elapsed since the Restrictions of the Act of Parliament have been in Force, and your Servants in the Revenue Line have been deprived of every Advantage but their Salaries.



## A P P E N D I X, N<sup>o</sup> 10, 11.

• Thirty  
Months.

In March 1775 we ingenuously stated to your Honourable Board, the peculiar Circumstances which laid us under the mortifying Necessity of living at an Expence beyond our Allowances, in Stations where we might reasonably have hoped to benefit our Fortunes. Your Answer indulged us with the Assurance that you would particularly recommend our Case to the Honourable Court of Directors, and we have now waited above Two Years \* in patient Expectation of a favourable Decision upon our Remonstrance. As we understand that various other Classes in the Service have received an Increase of Salary in consequence of their Representations, your Provincial Council once more presume to submit their Case to your Consideration, at the same Time not meaning to lay any Claim to your Favour, unless it may be grounded upon a fair and candid Review of the Duties discharged, and Services rendered to the Company in the public Administration of the Province which has been committed to our Charge.

We have the Honour to subscribe ourselves, with great Respect,

Honourable Sir, and Gentlemen,

Dacca,  
September 1st, 1777.

Your most obedient,

and humble Servants,  
(Signed) C. W. B. Rouse,  
John Hogarth,  
John Shakespear,  
W<sup>m</sup> Hollond.

## A P P E N D I X, N<sup>o</sup> 11.

ORDERS of the Court of Directors, concerning Regulations adopted by the Governor General and Council of Bengal, from 31st January 1776 to 23d December 1778: And

EXTRACTS of Letters from Bengal, concerning Settlement of the Lands, concluded from 3d January 1778 to 29th November 1780.

Extract of the Company's General Instructions to the Governor General and Council, dated the 29th March 1774.

Par. 26. YOU will observe, that by the beforementioned Act you are required to correspond with the Court of Directors, from Time to Time, and constantly and diligently to transmit to them exact Particulars of all Advices or Intelligence, and of all Transactions and Matters, that shall come to your Knowledge, relating to the Government, Commerce, Revenues, or Interest of the Company; and that the Court of Directors are required, within Fourteen Days after the Receipt of any such Letters or Advices, to deliver in to the Lords of the Treasury a Copy of such Parts of the said Letters or Advices as shall any way relate to the Management of the Company's Revenues; and in like Manner to deliver in to one of His Majesty's principal Secretaries of State a Copy of all such Parts of the said Letters and Advices as shall any way relate to their Civil and Military Affairs, and Government: In order therefore to enable us to comply with the Directions of the said Act, we hereby order and direct, that you transmit to us, by every Ship, an exact Copy, and a Duplicate by the next Conveyance, of all such Parts of your Letters and Advices as are by this Law directed to be delivered to the Lords of the Treasury, and to His Majesty's Secretary of State, respectively; and that every Copy and Duplicate be authenticated under the Hands of the Governor General and Council.

37. In transacting the Business of your Department, it is our Order that you enter, with the utmost Perspicuity and Exactness, upon Consultations or Minutes of Council, all your Proceedings whatsoever, and all Dissents, if such should at any Time be made by any Member of the Board; together with all Letters received and sent in the Course of your Correspondence; and that broken Sets of all such Proceedings, to the latest Period possible, be transmitted to us by every Ship, a complete Set at the End of every Year, and a Duplicate by the next Conveyance.

Extract of the Company's General Letter to Bengal, dated 31st January 1776.

Par. 21. Your Advices respecting Banyans holding of Lands, and Chiefs of Councils interfering in Farms, have alarmed us exceedingly; and although we are not prepared by this Dispatch to give

## A P P E N D I X, N<sup>o</sup> 11.

give our Sentiments fully on the System of letting the Lands, we cannot pass this Subject over unnoticed.

22. We are sorry to observe, that many useful Regulations, established by the Council of Revenue and Committee of Circuit in 1772, have been totally disregarded;—The following Abstracts of their Proceedings, compared with subsequent Transactions, verify this Observation, and convince us, that those Regulations have been grossly evaded, and to an enormous Extent.

23. By the 17th Article of those Regulations, Banyans, and other Servants of the Collector, of whatever Denomination, are totally precluded from holding any Concern, directly or indirectly, in any Farm; and if any Person, *under a false Name, or by any Kind of Collusion*, evades this Regulation, he is to be subject to an heavy Fine, and to forfeit his Farm; and if the Collector connive at a Breach thereof, he stands *ipso facto* dismissed from his Collectorship: And no European is permitted, directly or indirectly, to rent Lands in any Part of the Country.

24. The Observations of the Committee of Revenue on this Regulation are, That if Collectors, or any Persons who partake of their Authority, are permitted to be the Farmers of the Country, no other Persons will dare to be their Competitors; that of course they will obtain the Farms on their own Terms: That it is not fitting for the Servants of the Company to become Dealers with their Masters: That Collectors are Checks on the Farmers, but if they themselves turn Farmers, no Checks can be found for them; that the Company will not have any Security for their Property, nor the Ryots be able to obtain Relief against Oppressions.

25. In 1773, the Collectors of Revenue were recalled, and the Office was executed by a Chief and Council.

26. If it was thought dangerous to permit the Banyan of a Collector to be concerned in Farms, we must conclude, that the same or stronger Objections will always lie against the Governor's Banyan being thus concerned; and we direct that you enforce the said 17th Regulation.

27. By the 11th Article of the said Regulations, it is stipulated, that the Farmer's Payments to Government shall be ascertained and established, and no Demand made upon him, over and above the Sum expressed in the Rent Roll delivered him with his Lease.

28. The Reasoning of the Committee on this Article appears very excellent; but to our Concern we find so little Regard paid thereto, that 1,25,500 Rupees per Annum have been demanded, and upwards of 98,000 Rupees received, upon Two inconsiderable Farms, independent of the Agreement made with the Company, and claimed by our Servants as a Perquisite of Office, or Emolument of Station.

29. Whatever may be our final Determination on these Proceedings, it is our positive Command, that no Person in our Service do presume to ask, accept, or receive, directly or indirectly, any Gift, Gratuity, Reward, or Benefit, from any Farmer of our Lands or Revenues, or on account of any Farm, contrary to the true Intent and Meaning of the said 11th Article above mentioned.

30. It is also our express Direction that Pottahs be regularly prepared and delivered to the Ryots; and that the Farmer do not receive more from the Ryot than the stipulated Amount of his Pottah, according to the 10th Regulation.

31. You will take Care that the 2d Article be strictly observed; and that no Farmer be permitted to rent Lands to a greater Amount than 1,00,000 Rupees, hereditary Zemindars excepted; and except also there shall be an evident Necessity for departing from this Rule, to prevent Confusion or Inconvenience which may be occasioned by the Subdivision of Pergunnahs.

32. We further direct, that the Prohibition contained in the 18th Article, relative to the lending of Money to Zemindars, Farmers, or Ryots, be extended to all our Servants of every Denomination; and that every Person who shall be found offending against this Order, be forthwith suspended from holding any Employment under the Company till our Pleasure shall be known.

33. We recommend it to you, so to regulate the Gifts of the Farmer that they may become payable at the usual Times of Harvest, agreeably to the 19th Regulation.

34. As Monopolies in the Hands of Individuals at Our Residencies must necessarily tend to distress the Country, it is our Order that you use your utmost Endeavours to prevent undue Influence from operating to the Prejudice of the fair Trader at any of our subordinate Factories; and that you give impartial Encouragement to all such Merchants as may with Propriety be allowed to carry on a free Trade with the neighbouring Provinces.

35. The Exigency of Affairs has rendered it necessary for us to give you the above Directions by this Conveyance. When the Opinions of all the Members of your Board, relative to letting the Lands in Bengal, are before us, we shall take the Subject into further Consideration, and transmit you our Orders and Instructions thereon by the earliest Opportunity.

Extract of the Company's General Letter to Bengal, dated 24th December 1776.

Par. 40. Before we enter upon the very important Consideration of Measures to be pursued, and Directions to be given with respect to the new Grants of Leases on the Bengal Lands, we are glad to testify our singular Approbation of the Care and Attention of the several Members of our Council, in transmitting to us such accurate and clear Statements and Plans as have given us great Information; and we are only to signify our Expectation that you will continue from Time to Time to furnish

## A P P E N D I X, N° 11.

nish us with authentic and digested Materials for regulating our Judgment on this great Department of your Presidency.

41. Having considered the different Circumstances of letting your Lands on Leases for Lives, or in Perpetuity, we do not for many weighty Reasons think it at present advisable to adopt either of these Modes; but in the mean while we direct that the Lands be let for the succeeding Year on the most advantageous Terms, and that none be in future let by public Auction.

42. But in every Disposal of the Lands, it is our strict Injunction that a Preference be given, and every Indulgence shewn, to the Natives resident on the Spot, and that no European, nor the Banyan of any European, be permitted to hold any Share therein; from which Injunction we however except the Jungleterry or Carry Jury Lands, where the superior Knowledge of our own People may be of great Service, by clearing such Parts as lie uncultivated, and where such Mischiefs are not likely to be produced as are too generally found to attend the Measure of letting Lands to Europeans.

43. We direct that Demands be made on the respective Landholders for all outstanding Balances or Arrears of Rent; and that every just and proper Step be taken to realize such Sums as may stand an apparent Value on our Books; but if it shall appear, from such Circumstances as require Lenity, that these Balances cannot be collected, the Whole or Part thereof may be remitted; for which we must depend on the Judgment and Discretion of our Governor General and Council, whose local Knowledge will best enable them to decide with Accuracy and Precision.

44. We approve of your letting the Province of Dinagore to the Rajah for Life, as an Experiment, the Issue of which will in some Measure enable us to judge of the Propriety of adopting a general System on similar Principles; but you will not proceed further in letting other Districts or Lands on the like Terms till our further Orders.

### Extract of the Company's General Letter to Bengal, dated the 5th February 1777.

Par. 8. We apprehend that a sudden Transition from one Mode to another, in the Investigation and Collection of our Revenues in Bengal, may have alarmed the Inhabitants, particularly the native Zemindars and Landholders, lessened their Confidence in our Stability, and been attended with other Evils; yet, as it is acknowledged on all Hands to have produced the good Effect of ascertaining, with a sufficient Degree of Precision, what Revenue may be collected from the Country without Oppression, we shall avail ourselves of this Information, and are well pleased to find it in our Power to yield proper Relief to the Natives, without involving the Company in the least Inconvenience.

9. From the Inequality of natural Advantages possessed by the Natives in the several Districts, from Calamities experienced in a different Degree by Loss of Inhabitants in the late Famine, and from a Variety of other local Causes, we fear it will be difficult, if not impossible, to lay down any Plan which shall be found applicable in all Cases, and equally beneficial to every Part of the Country; much must necessarily be left to your Prudence, as your Conduct on many Occasions will be influenced by temporary Circumstances: We shall therefore only point out such Regulations as, from the Materials before us, appear proper to be adopted in disposing of the Lands of Bengal.

10. Without entering minutely into the Reports made by the Chiefs of Provincial Councils, we are happy to find, by Estimates founded upon and supported by Accounts of actual Receipts and Disbursements, with other Documents of decisive Authority, that we need not entertain the least Apprehension of a Disappointment in any reasonable Expectation formed by us respecting the Revenues of Bengal, and of their Sufficiency under proper Management, unless in Times of Public Calamity, to support our Government, to provide the most ample Investments, and to afford considerable Assistance to our other Settlements.

11. The Distance of many Districts from Calcutta, will render it necessary for Zemindars or Farmers to treat with Provincial Councils, or other Agents of the Company, on the Spot; but it is our Order, that no Agreement for Lands or Revenues, wherein the stipulated Amount shall exceed 30,000 Rupees, be finally concluded, until reported to and authorized by the Governor General and Council.

12. Having revoked our Orders to let the Lands to the highest Bidders, and signified our Pleasure to have them occupied by hereditary Zemindars, where it can be done with Security to the Revenue; and being desirous that they should enjoy their Zemindarries on Terms sufficiently moderate to enable them to maintain a Degree of Respect amongst their Dependants, we direct, that you keep this Idea in View in every Agreement to be made with the said Zemindars; we cannot however empower you to make a general Reduction or Abatement of any specific Sum upon the whole Jumma; but rather wish you to be guided in such Reductions, where they are absolutely necessary, by an Enquiry into the Amount of Mharutes, Abqabs, or additional Taxes or Collections of any Kind, imposed upon the District since the Company's Accession to the Dewanny, and to abolish the Whole, or such Part thereof as shall fully appear to be an Oppression upon the Country.

13. We think that the Sale of Part of the Zemindarries is not always an advisable Measure to realize any Balance incurred by Zemindars; for as the Lot to be sold must bear a Proportion to the Amount of such Balance (it being unjust to sell more than necessary) the Proprietor of a small Tract may be subjected to Difficulties from the Exercise of the Zemindar's remaining Authority in his own District: We are therefore of Opinion, that no Zemindarry, except of moderate Extent, ought to be dismembered

## A P P E N D I X, N<sup>o</sup> 11.

dismembered if it can possibly be avoided, but that it would be far more eligible for the Whole to stand charged with the Balance incurred; and that, if deemed necessary, the Zemindar's Authority and Interest should be totally suspended, and a Deputy appointed to manage his Affairs till all his Debts to Government are fully paid and satisfied, when the Zemindarry should be restored entire to him or his Heirs.

14. As the Inhabitants of the Dewanny Lands, and particularly of the distant Provinces, are represented more indigent than those nearer the Seat of Government, you will be careful to yield them such Relief as shall be requisite in their particular Circumstances.

15. Although we do not for the present think it expedient to let the Lands on Leases for Lives, or on Terms more permanent than those already specified, it is nevertheless our earnest Desire to impress the Zemindars and Renters with a full Confidence in the Justice of our Proceedings; and particularly to convince them, that while they behave with Honour to us, and with Kindness to their Under-tenants and Cultivators, they shall most certainly experience our Favour, and that nothing but a contrary Conduct can ever subject them to our Displeasure. We therefore direct, that whenever Lands have been let at a reasonable Rent, and the Zemindar or Renter has fulfilled his Engagement to your Satisfaction, no such Person be dispossessed of Lands, or compelled to pay an advanced Rent, without the most substantial Reasons for such Advance; and even then he shall have the Preference of all others, and be suffered to continue at a moderate additional Rent; but in all Instances where such increased Value shall not be considerable enough to become an Object of Consequence to Government, no Zemindar or Renter shall be dispossessed or molested, but permitted to enjoy the Fruits of his Industry and Improvements, and to his Lease or Agreement, from Year to Year, without any Increase of Rent.

16. We direct, that in every Agreement for Lands, Care be taken that the principal Farmer or Zemindar be obliged to grant Pottahs to his Ryots or Under-tenants, specifying the exact Amount to be paid by each; and that every Branch of this Regulation shall subject the Principal, if a Farmer, to the Loss of his Farm, or if a Zemindar, to the Loss of his Zemindarry: And it is our further Order, that a proper Form for Pottahs be prepared by you; and that no Pottah be deemed legal or binding on the Parties, unless made out exactly in the Form prescribed.

17. If the Repairs of Dams, Banks, and Bridges, commonly called Poolbundy, cannot be safely entrusted to the Care of Zemindars or Farmers, you are to make an Estimate of the Expence that may be incurred on such Service, and to fix a Jumma accordingly; but when fixed, you are not to make any additional Assessment, or suffer any to be imposed, or any separate Collection to be made on that Account, on any Pretence whatever.

18. We direct, that you endeavour to reform all Abuses in Grants of Charity Lands; and it is our Order, that no Zemindar's Grant whatever shall exempt such Lands from making good the Jumma, if the Zemindar shall at any Time fall in Arrear to Government.

19. If you are fully convinced that the Establishment of Provincial Councils has not answered, nor is capable of answering the Purposes intended by such Institutions; we hereby direct you to form a new Plan for the Collection of the Revenues, and to transmit the same to us for our Consideration.

20. It is with equal Surprise and Concern that we have received your Proceedings respecting Abuses which have prevailed in letting the Lands, and Collusions practised in forming Contracts for Salt with the Company.

21. We flatter ourselves, your Investigations have rendered it unnecessary for us to enter minutely into all Particulars brought to our View, as you seem determined to strike at the Root of every Evil discovered; and we observe with the greatest Satisfaction, that your laborious Researches have in general been attended with the desired Success. Your Conduct in this invidious Undertaking appears to us highly meritorious; and you shall not fail to experience our firmest Support in your laudable Endeavours to effect a thorough Reformation of all Abuses, more especially of those which, from their Nature and Consequences, must have operated to the Distress of the Country, and to the great Damage of the Company; of which we might still have remained uninformed, if Attention to your Duty had not prompted you to commence and prosecute Enquiries into such unwarrantable Transactions.

22. Although it is rather our Wish to prevent Evils in future, than to enter into a severe Retrospection of the past; and, where Facts are doubtful, or attended with alleviating Circumstances, to proceed with Lenity rather than to prosecute with Rigour; yet some Cases are so flagrantly corrupt, and others attended with Circumstances so oppressive to the Inhabitants, that it would be unjust to suffer the Delinquents to go unpunished. The principal Facts have been communicated to our Solicitor; whose Report, confirmed by our Standing Counsel, we send you by the present Conveyance, authorizing you, at the same Time, to take such Steps as shall appear proper to be pursued.

23. If we find it necessary, we shall return you the original Covenants of such of our Servants as remain in India, and have been any ways concerned in the undue Receipt of Money, in order to enable you to recover the same for the Use of the Company, by a Suit or Suits at Law, to be instituted in the Supreme Court of Judicature in Bengal.

## A P P E N D I X, N° 11.

Extract of the Company's General Letter to Bengal, dated the 4th July, 1777.

Par. 36. In our Letter of the 5th of February 1777, we expressed our Apprehensions, that a sudden Transition from one Mode to another, in the Investigation and Collection of our Revenues, might have alarmed the Inhabitants, lessened their Confidence in our Proceedings, and been attended with other Evils; yet, as we were led to hope that such Information had been obtained as would enable us to ascertain, with a sufficient Degree of Precision, what Revenues might be collected from the Country without oppressing the Natives, we felt some Satisfaction in considering those Evils as at an End, and proceeded to give such Instructions as appeared to us necessary for your Guidance in a future Settlement of the Lands.

37. In this State of the Business, our Surprise and Concern were great, on finding, by our Governor General's Minute of 1st November 1776, that after more than Seven Years Investigation, Information is still so incomplete, as to render another Innovation, still more extraordinary than any of the former, absolutely necessary in order to the Formation of a new Settlement.

38. In 1769, Supervisors were appointed professedly to investigate the Subject: In 1770, controuling Councils of Revenue were instituted: In 1772, the Office of Naib Dewan was abolished, Natives were discarded, and a Committee of Circuit formed, who, we were told, precisely and distinctly ascertained what was necessary to be known: And now, in 1777, Two Junior Servants, with the Assistance of a few Natives, are employed to collect and digest Materials which have already undergone the Collection, Inspection, and Revision, of so many of our Servants of all Denominations. We by no Means disapprove the Attempt to obtain further Information if it be necessary, but are sorry that the Conduct of the Majority of the Council on the Occasion has been such as must have our utter Disapprobation.

39. We should have hoped, that when you knew our Sentiments respecting the Conduct of our late Administration, in delegating separate Powers to their President, it would have been sufficient to prevent us further Trouble on such Occasions; but, to our Concern, we find, that no sooner was our Council reduced, by the Death of Colonel Monson, to a Number which rendered the President's casting Vote of Consequence to him, than he exercised it to invest himself with an improper Degree of Power in the Business of the Revenue, which he could never have expected from other Authority.

40. The Governor General states, in Answer to General Clavering's Objections, "that there is a clear and solid Distinction between the Powers of preparing and those of ordering, governing, and managing the Revenues; and adds, that the Council have conferred upon him no Authority which he did not before legally and constitutionally possess." Without entering into the Governor General's legal Distinctions, we declare the Powers assumed by him, with the Consent of Mr. Barwell, such as we neither approve, nor can permit to be exercised by any Person whatever: We therefore direct, that no separate Controul be henceforth exercised by the Governor General, nor any Orders issued from any Public Office, or otherwise, in the Name of the Governor General only, except Military Orders in the Garrison of Fort William.

41. And we further direct, that no Member of the Board be debarred the Inspection of any Papers, Accounts, or Materials, which may have been collected, in the first Instance, nor precluded from the Exercise of that Controul which is invested in him by Law, on any Account or Pretence whatever.

42. The Reasons given by the Governor General, why the Business could not be entirely left to the Provincial Councils; namely, because it "required Uniformity in Design, and Authority in Execution," are totally inadmissible. It was certainly in your Power to render the Proceedings of the Provincial Councils uniform and perfectly safe to trust them with any Degree of Authority, which could with Propriety be delegated to their Juniors in the Service, or to any Officer of this Temporary Establishment.

43. And as to arranging the Materials when transmitted to Fort William, if the Experience of the Officers of the Khalsa has not rendered them capable of executing a Work of this Nature more speedily, and to greater Advantage, than Two Strangers, be their Abilities what they may, we must declare them unfit for their Employments.

44. The Roy Royan was the regular Channel of such Communications as require the Interposition of a Native, and not Gunga Govind Sing, whose Dismission from the Calcutta Committee had rendered him an improper Person to transmit Affairs of such Moment to the Company.

45. The Superintendent of the Khalsa Records, and Persian Translator, are unworthy their Offices if unable to direct the Arrangement of Papers so immediately connected therewith; and as we consider the Preparation of Materials upon which a general Rent Roll of the Provinces must be formed, as interfering most essentially with the Ordering and Management of the Revenues, we must be of Opinion, that the Members of our Council could not legally relinquish their Power of immediate Inspection and Superintendence of those Materials in the first Instance, nor delegate a separate Power of future Controul in the Degree and to the Extent now vested in the Person of the Governor General; because, though there might be no Reason to expect unfair Proceedings in the present Case, it was absolutely necessary to guard against the Possibility of enabling the Governor General to suppress or reject



## A P P E N D I X, N° 11.

reject Papers or Accounts which might be deemed necessary Instruments of Information by other Members of the Council.

46. In regard to the Idea of deputing Natives on occasional Investigations, we are really astonished at such a Proposition. If a Committee of Circuit and Council of Revenue, composed of the most intelligent and respectable Characters in our Service, and armed with all the Power of the Presidency, have failed in their Attempts to obtain necessary Information, from whence are those Natives to procure it? and if Collusions have been practised by Members of Administration when deputed into the Districts, what Reason have we to expect that the Conduct of Native Deputies, who cannot be ignorant of former Transactions, will be found more unexceptionable than that of their Superiors? It will certainly be allowed that they are liable to great Temptations, because their Report must determine, in some Degree at least, the Amount of Revenue to be taken from those Districts which are to be the Subjects of their Investigation.

47. The Minutes of General Clavering and Mr. Francis leave us little to add on this disagreeable Subject: Their Reasons against delegating a separate Power of Controul to the Governor, are solid and judicious, and we are happy in declaring that their Conduct on the Occasion meets with our Approbation.

Extract of the Company's General Letter to Bengal, dated 23d December 1778.

Par. 130. In our Letter of the 24th of December 1776, you were acquainted, that for many weighty Reasons we did not then think it advisable to authorize you to let the Lands of the Provinces on Leases for Lives, or in Perpetuity. The same Reasons still operate. We therefore direct, that you re-let the Lands from Year to Year, on the most advantageous Terms procurable, except by public Auction, until you shall be duly authorized and empowered by the Court of Directors to adopt another System; and we further direct, that you also continue to make the Letter and Spirit of our Orders of the 5th of February 1777, the Rule of your Proceedings on this important Subject.

131. From a View of your Conduct towards the Ranny of Burdwan, and the Ranny of Radshahy and her adopted Son Rajah Ramkissen, and from your interesting Debates concerning those Persons, we have already been induced, in the 92d Paragraph of our Letter of the 4th of March, to express our Disapprobation of every Mode of vexatious Interference in the private Concerns of the Zemindars, and of the Idea of disturbing them in the quiet Enjoyment of their Possessions. And as the Rannies above-mentioned appear to have suffered an unusual Degree of Inconvenience and Distress, since by the Death of Colonel Monson the Governor General and Mr. Barwell became a Majority of the Board, we now direct, as the most eligible Mode of doing Justice to all Parties, that so soon as conveniently may be after the Number of our Council shall be complete, and consist of Five Members, the whole of the Proceedings of our Council relative to the Ranny of Burdwan and to the Ranny of Radshahy, be taken into your most serious Consideration, and that, to the utmost of your Power, the most impartial Justice be rendered to the Zemindars abovementioned. And if it shall appear to Three Members of the Board, that the Requisitions and Injunctions of the Governor General and Mr. Barwell, respecting the Ranny of Burdwan, were improper, and the Re-establishment of Bridjoo Kissoore Roy, who had been removed by the late Majority, and the placing a Military Force upon the Rajah's House, were Acts of Oppression; or that the Disposition of the Ranny of Radshahy and her adopted Son, and the Distinction in her Disfavour respecting outstanding Balances, were unwarrantable Proceedings, we direct that you make such Reparation and Satisfaction to those Zemindars as their respective Cases shall require. But if, on the contrary, you shall, at a full Board, be of Opinion, and resolve, that the Proceedings of the Governor General and Mr. Barwell, concerning the Ranny of Radshahy and the Ranny of Burdwan, were founded in Justice, then we hereby direct that you ratify the said Proceedings, and forthwith inform the Parties concerned, that you have our Orders to signify to them our Confirmation thereof.

Extract of a General Letter, in the Revenue Department, from Bengal; dated 18th October 1774.

The Settlement for the present Year 1181, is not sufficiently adjusted to enable us to transmit it to you by this Opportunity. The Jumma may exhibit an Increase of Revenue, when compared with the Two last Years; but we cannot flatter you with the Hope, that there will be an Increase in the actual Collections. All Parts of the Country, we believe, are rated at their full Value, supposing the Season favourable; and in consequence of unfavourable Seasons, some of the Farmers are continually failing; as every considerable Want or Excess of Rain, or other Accident (as we observed in our Letter of the 31st December last) renders Deductions necessary. Small Losses may be borne by the Farmers themselves, but heavy ones must fall upon the Government: An Attempt in the latter Case to force them to a full Compliance with their Engagements, would often occasion a greater Diminution of the Revenue, than a reasonable Indulgence. A Man of Property will submit to a small Loss, rather than expose himself to the Disgrace of Imprisonment, &c.; but when he finds that Disgrace is unavoidable, he will think it Folly to part with his Money, he will plead Poverty, secrete his Effects, and trust himself to the Government's Mercy; and every such Instance is productive



## A P P E N D I X, N<sup>o</sup> II.

tive of further Mischief, by deterring Men of Property from venturing on the farming Business. The Whole of these Provinces having been farmed out to Persons who voluntarily offered Proposals, it may appear surprising that they should have been so much deceived in the Value of the Lands they engaged for. The general Cause to which we attribute this Deception, is the large Amount of the Revenue the Year succeeding the Famine; which Amount was realized, partly by an Assessment on the present Ryots, to make up for the Loss by Death or Desertion, in Conformity to an old Custom of the Country, as particularly explained in our Letter of the 3d of November 1772; and partly by the high Price of Grain, which rendered the Produce of a small Quantity of Land in that Year, as valuable as that of a large Quantity in the subsequent ones. In some Parts of the Country the Ryots pay Rent to the Farmers, agreeably to a certain Proportion of their Produce; in others, at a fixed Rate per Bega: In the former, the Loss to the Farmer is immediate and evident; in the latter, it is indirect, but he is in the End a Sufferer; his Demands from the Ryots remain unaltered, but his actual Collections are diminished by their being disabled from completing their Payments. We do not mean to assert, that every Farmer who has failed, has done so by Reason of his Rents having been fixed too high; there are doubtless some whose ill Success has been occasioned by their own Mismanagement; but we are fully satisfied that the high Terms of the Proposals which were offered at the Five Years Settlement, has, as above explained, been the general Cause of the many Alterations which we have since been obliged to make, and which have been fully recorded on our Proceedings.

Extract of the Proceedings of the Governor General and Council, in their Revenue Department, of the 11th of March 1775.

The Governor moves, That the separate Opinions of the Members of the Council be taken, and sent to England with the last Dispatches of this Season, concerning the Mode which each shall judge it most expedient to adopt for the new Settlement of the Provinces after the Expiration of the present Leases, that the Honourable Court of Directors may be furnished in due Time with complete Materials to enable them to transmit their decisive Orders upon this important Subject.

(Signed) Warren Hastings.

Extract of the Secret Letter from the Governor General and Council of Bengal to the Court of Directors, dated the 23d July 1776.

Par. 4. We beg Leave to apprise you, that the Settlements made in 1772 will expire in April next; and we most earnestly wish that you may be enabled, from the Lights that you have received from the late Council and this, respecting the most advantageous Mode of collecting the Revenue, both for the Company and the People, to give us your positive Orders for our Guidance on this Subject, or at least to point out to us the general Principles on which you intend a future Settlement should be formed.

Extract of General Letter from Bengal, dated the 3d January 1778.

Par. 2. The Governor General having proposed, that such Zemindars and Farmers who should pay their Rents regularly during the Course of the Current Year, should be allowed to continue in Possession of their Lands on the same Terms for the ensuing Year, we have resolved on the Measure; and have thought it advisable to publish the same throughout the Provinces, as we hope it will be an Inducement to the present Renters to be punctual in their Payments.

Par. 3. For our Debates on this Subject we beg Leave to refer you to our Proceedings.

Extract of General Letter from Bengal, dated the 23d April 1778.

Par. 14. We have thought it advisable to send circular Orders to the Provincial Councils and Collectors, to exact with Rigour the Payments due for the preceding Year 1184, and not admit any Pleas whatever for Remissions, or Excuses for Deficiencies in the Revenue; and we have directed them to continue their Receipts on Account of the Year 1184 to the last Day of Bylaak 1185, or 10th May, when they will finally close their Accounts of the Collections for that Year, and carry all future Receipts to the Credit of the current Year 1185.

15. We have directed the general Accounts for the Year 1184 to be forwarded to us on the 1st Jye, or 11th May, with an accurate Explanation of the Balances, which we hope will be very trifling.

16. The Provincial Councils have been further directed to cause Publication to be made at all the Cutcheries in their Divisions, that such Zemindars as shall have paid up their Revenue for the Year 1184, without Deficiencies, on the last Day of Bylaak 1185, shall hold their Lands on the same Terms for the succeeding Year; but that Portions of such Zemindars as shall be in Balance at that Period, will

## A P P E N D I X, N<sup>o</sup> 11.

will be sold to make good the Revenue, or the Zemindarry given in Farm to any one who will agree to discharge the Balance of the Year 1184, with the same Jumma or Rent for 1185.

Extract of General Letter from Bengal, dated 27th May 1778.

12. In the 2d Paragraph of our Letter by the Ceres, and in the 16th Paragraph of that by the Resolution, we advised you of the Plan we proposed to adopt for the Settlement of the Revenues of Bengal for the present Year 1185.

13. In Conformity thereto we have issued Orders to the several Provincial Councils and Collectors, finally to conclude the Settlement for the current Year 1185, with all such Zemindars as on the 30th Bysaak, or 10th May, shall have paid up their Revenue without Balance.

14. That they renew the Leases of such Farmers as shall have been punctual in their Payments for the Year 1184, or to whom they should not have some reasonable Objection; and the Farms of such Farmers as shall be in Balance, or to whom the Provincial Councils may have reasonable Objection, we have directed them to offer to the Zemindars at the Jumma or Rent of last Year; but in case of the Zemindars Refusal, the Lands are to be let out to farm in the same Manner as they were in the preceding Year; of these however there will be but few.

15. That they transmit to us a List of such Zemindars as shall not, on the 30th Bysaak have completed their Payments for the Year 1184, with an accurate Explanation of the Causes assigned by the Zemindars for being in Balance, with the Opinion of the Provincial Council upon the Degree of Weight which should be allowed to their Representations; but that no Settlement should be made with any Zemindars in Arrears without our Orders.

Extract of the General Letter from the Governor General and Council of Bengal, in their Revenue Department, to the Court of Directors; dated the 19th August 1778.

Par. 4. Agreeably to the Intimation given you in our Letter per Northington, of the Plan we proposed to adopt for the Settlement of the Revenues of Bengal for the present Year 1185, the Bundibust has been formed in the several Districts with the respective Zemindars, on the Principles then resolved on.

5. We have not yet received the Materials necessary for enabling us to form an Account of the present Settlement; but by a future Conveyance we shall have it in our Power to furnish you with a general Statement of the Settlement of Bengal, with the Reasons for Abatements, where such have been admitted, in your Revenues for the present Year.

6. It may however be necessary in this Place to observe to you, that the Rajah of Nuddea having obstinately refused to hold his Lands upon the Jumma of last Year, urging, among other Pleas, the Inability of the District to pay the established Rents, we directed the Calcutta Committee to let his Zemindarry immediately to Farm; and to observe the same Rule with every other Zemindar who should refuse to agree to the last Year's Jumma.

7. Publication was accordingly made to this Effect; but the Rajah in the Interim having acceded to the Terms of the Settlement of his Zemindarry, we consented, in Consideration of the Lateness of the Season, and the Hazard to which the Revenue would be exposed by adopting any other Mode of Settlement at this Time, to revoke our Orders, and to permit the Rajah to sign his Caboolcar, notwithstanding the little Pretensions which, from his late dilatory and evasive Conduct, he had to the Lenity of Government.

8. We have judged it necessary to issue Orders to the Provincial Councils, not to demand or accept of any Malzamin or Security from the Zemindars with whom the Settlement of the current Year is made, even though the Zemindars themselves should solicit it; and if in any Settlement already concluded, Security shall have been accepted for the Performance of the Zemindar's Engagements, in such Case the Security is to be released from his Engagements, and a Declaration made, that in all Cases the Zemindars Lands shall be Security, and the only Security, for the Payment of their stipulated Rents.

9. And as Cases may arise, in which the Refusal of the Zemindars to accept of the Charge of the Collections of their respective Zemindarries on the Terms of last Year, shall have compelled the Provincial Councils to let the same in Farm, or in some Instances to collect the Rents by the Officers of Government; we have judged it necessary to give express Orders, that in every such Instance the Zemindar shall not be allowed any Sum by way of Koroposh or Maintenance, until the Jumma fixed for the Dues of Government shall have been realized; and if the Collections shall exceed that Jumma, the Excess, and no more, is to be applied to the Koroposh, restricting the same to the established Amount.

10. The Governor General having laid before us a Letter from the Ranny of Burdwan, containing Proposals for the Settlement of that Zemindarry for the Years 1185 and 1186, and for the Payment of the Balances which had accrued on the Settlement of the Two preceding Years, we resolved to accept of the Terms offered by the Ranny; which were, to pay to Government a net Revenue of Rupees 35,07,220, in each Year, on the same Monthly Kistbundy as was executed by the Rajah in the Year 1183.

11. And with respect to the Balances which had arisen on the Settlement of the Years 1183 and 1184,

## A P P E N D I X, N<sup>o</sup> 11.

1184, amounting to Rupees 3,16,538, the Ranny has consented to make herself answerable for the Payment of them; One Half, amounting to the Sum of Rupees 1,58,269, to be paid in the Month of Chyete of the present Year, and the Residue in the Month of Chyete 1186.

12. We have in consequence issued Orders to the Provincial Council of Burdwan, to put the Ranny's Officers in Charge of the Collections, causing the proper Deeds to be prepared and executed; which have been accordingly done.

13. It may be necessary to observe, that at the Time in which the Cabooleat or Agreement was executed by the Ranny, the Sum of Rupees 2,95,288 was only inserted in it, as the Balance of the Two former Years, a Payment having been made on that Account, of Rupees 21,249, since the Conclusion of the Settlement.

14. For our Debates on this Subject, and for the Reasons which have induced us to make the Settlement with the Ranny of Burdwan, we beg Leave to refer you to our Proceedings noted in the Margin.

Vide Conf.  
12th June.

Extract of the General Letter from the Governor General and Council of Bengal, in their Revenue Department, to the Court of Directors; dated the 4th December 1778.

Par. 23. For the State of the Collections of your Revenues of these Provinces for the current Year, we beg Leave to refer you to the monthly Reports of the Superintendent of the Khalsa Records, which will present to you a clear and connected View of the Receipts, and of the Balances outstanding in the several Districts. From these you will perceive the forward State of the Collections in every Division, except in that of Calcutta, which, for the Reasons already assigned, have fallen considerably in Arrears. We however flatter ourselves that the Balances of this Division will be shortly much reduced, and the future Collections equally well kept up with the Revenue of the other Districts.

Extract of a Letter from the Governor General and Council of Bengal, in their Revenue Department, dated the 10th January, 1780.

Burdwan.

8. In the 10th and subsequent Paragraphs of our Letter of the 19th of August 1778, we advised you of the Two Years Settlement concluded with the Ranny for the Zemindarry of Burdwan.

9. The Provincial Council of that Province having, at the End of 1185, or April 1779, laid before us a Statement of the Balances incurred to that Period by the Ranny, during the First Year of the Settlement, amounting, with the unliquidated Balances of the preceding Years 1183 and 1184, to Rupees 6,40,584, accompanied with a Representation from the Ranny, setting forth Pleas of Inability to discharge the full Revenue; we were unanimous in refusing to allow of any Excuse for Deficiencies in her stipulated Rents; of which we acquainted the Burdwan Council, directing them to demand Payment accordingly, and to apprise the Ranny of our Resolution; and consequent Directions, that in Default thereof, she should, at the Expiration of Twenty Days from the Period of Notice, be forthwith dispossessed of the Charge of the Zemindarry, and of her Dawree Lands; the Revenues of which last to be, in such Case, applied to the Payment of her Balances.

10. The Term limited for the Discharge of these Balances having expired without any Part of them being liquidated, the Provincial Council accordingly dispossessed the Ranny of the Charge of the Province, and of her Dawree Lands, and required from her the necessary Papers to carry on the Collections; and the Zemindar having thereupon presented to us a Petition of Complaint, in which he applied for an Examination into his Claims for Deductions, and to have another Settlement made with him, either on the Principle adopted for the other Lands of Bengal, viz. the Medium of the Collections of the Years 1180, 1181, and 1182, or on that of the 16 Years during which the Company had received the Revenues of his Zemindarry, we resolved to reject the Prayer of it.

11. The Rajah afterwards presented another Petition, recapitulating his Proposals in the preceding one, and setting forth the Hardship of his Situation and Inability to pay the Revenue of 1185, with the Two preceding Years Balances; alleging in particular, that as to the Article of Wuzzun, constituting a Part of the First of these Demands, his Engagement for it had been contracted so late in the Season, as to preclude the Collection of it before his being dispossessed of the Management; that his contracting to pay Balances of 1183 and 1184 was conditional, as extending only to what he should recover from those Native Officers who had, during the Period in question, held the independant Management; whereas he had been in fact able to realize nothing from those Persons: He therefore prayed to be acquitted of the Wuzzun of the last, and of the Arrears of the Two former Years; and that his other Accounts for 1185 might be adjusted by a Scrutiny into his actual Receipts.

12. In consideration of the Difficulties attending a Khâs Collection, and for the other Reasons contained in our Debates on this Subject, as referred to in the Margin, it was thereupon moved, to make a Tender of the Settlement to the Zemindars, under the Conditions of immediately paying up the Balances of 1185, except the Amount of the Tax called Wuzzun, for the Discharge of which Three Months should be allowed: That the Medium of the Receipts netted into the Treasury in 1180, 1181, and 1182, should be the Standard of the future Jumma of Burdwan, in like Manner with the other Lands of Bengal; and that the Acceptance of these Conditions, and

Vide Conf.  
15th June.

# A P P E N D I X, N° 11.

their faithful Execution, should discharge the Zemindarry from all other Claims of Government; and the Deficiencies of the Revenue of 1183 and 1184 should be set off as excused, as such Deficiencies did not arise from the Ranny's Administration. These several Propositions were, with the Exception of the last relative to the Balances of 1183 and 1184, after Debate, resolved on, and communicated accordingly to the Ranny, through the Provincial Council of that Division.

13. The Ranny having in her Answer accepted of the proposed Conditions, with the Reservation of the Article relative to the Arrears of 1183 and 1184, we thereupon renewed our Orders to exact Payment of these and other Balances at that Time due from her; First, by Publication; and, finally, by the Sale by Auction of an adequate Portion of her Dawree Lands, allowing Twenty Days from the Date of Publication to the Day of Sale.

14. The ultimate Effect of this Order was prevented by the Ranny's consenting to pay the Arrears she had demurred to; those of 1183 within Two Months, and of 1184 by the End of the current Year 1186; preferring, at the same Time, a Paper of Requests, praying,

1st. That the Revenue of the Zemindarry might be put under the Khálfa, without any Dependance on the Burdwan Council: And,

2dly. That sundry Dufters, or Offices connected with the Collections, might be restored to her.

Both which Articles were, on the Grounds specified in the Debates referred to in the Margin, admitted; and the Ranny's Dewan acquainted, that in consequence of her Acceptance of the Terms offered her, she should be put in Possession, on the Payment of the Balances in immediate Demand for 1185.

15. The Ranny having satisfied this last Reservation, the Medium of the Three Years Collections, to constitute the current Year's Jumma, being the next remaining Stage of this Business, was considered and debated on in the Proceedings marked in the Margin, to which we beg Leave to refer; observing, that the nett Jumma ultimately fixed for the Zemindarry of Burdwan, is Rupees 34,12,506, exclusive of the Rajah's Musshairah of 4,47,192, and Charges Zemindarry; and subject only to an eventual Deduction of 82,868 Rupees, on Account of the Articles of Sayr Chelika, and other Land Duties, now abolished, in case of Proof being adduced that these Articles formed a Part of the Collections of the Three Years Revenue, the Medium of which has been made the Criterion of the present Settlement.

16. Our Proceedings noticed in the Margin, will apprise you of the Sunnud granted to the present Dowager of Burdwan, for the Dowree Mehuls; which had been hitherto held on a similar Tenure by the Rajah's Grandmother, the late Ranny of Ambooa.

Vide Conf.  
24th August.  
3d } Septem-  
7th } ber.  
18 October.

Vide Conf.  
7th } Septem-  
17th } ber.

## Settlement and Balances.

17. Having, in the 4th Paragraph of our Letter under Date the 19th August 1778, taken Notice of the general Settlement concluded for the Bengal Year 1185, or from the 11th April 1778, to the 10th April 1779, we now beg Leave to refer to the Report from the Superintendent of the Khálfa Records, entered in our Proceedings of the 13th August last, for a General Abstract Account of the Collections made and Balances become due for that Period.

Vide Conf.  
13th August

18. The said Report referring to the several Explanations of the Collections and Balances received from the respective Divisions, will direct your Attention to the Letters and Vouchers marked in the Margin; exhibiting the Causes which in several of the Districts prevented the complete Realization of the stipulated Revenue, with the Measures pursued to recover the Arrears, and the Orders issued by us on the Subject; all which will shew, that the few Deductions allowed, have been inconsiderable in their Amount, and were, from their Nature, rendered necessary; and that the remaining Arrears are in a Course of Payment with the current Revenue.

Vide Conf.  
7th } June  
11th }  
22d }  
29th }  
27th } July  
13th }  
20th } August  
24th }

19. After the Expiration of the last Bengal Year 1185, we issued circular Orders to the Provincial Councils and Collectors, to conclude the Settlement of their respective Districts for the Year 1186, upon the Terms prescribed for that of the preceding Twelve Months; which Orders, together with the several Letters giving an Account of the Execution of them, stand recorded in the Proceedings pointed out in the Margin.

20. Our Consultation of the 24th August will fully bring before you the Causes which reduced us reluctantly to assent to some Part of a Remission in the current Year's Settlement of the Dacca Province; but although, upon the Representation of the Provincial Council of that Division, and the Pleas exhibited, we have been constrained to admit of some Abatements, yet we have particularly noticed to them, that these are only for the current Year; for that we are determined that the General Jumma of their Division shall not be reduced below 29,85,549 Rupees, the Sum at which it stood rated for the last Year 1185: To render which Resolution the more effectual and permanent, we have further enjoined them, never, in any Instance, to propose an Abatement of any Nature whatsoever, unless they can at the same Time clearly point out how such Deficiency may be supplied.

21. The same Day's Proceedings will explain to you the Limitations under which we have, at the Instance of and for the Reasons adduced by the Provincial Council at Dacca, allowed them to accept \* Malzamins; which, by the 8th Paragraph of our Letter under Date the 19th of August 1778, we advised you of our having generally resolved neither to demand or accept.

22. We cannot conclude this Subject, without expressing our Apprehensions of the Consequences of Annual Settlements. We continue to make them in Obedience to your Orders; which we

\* Or, Securities.

U

ascribe

## A P P E N D I X, N<sup>o</sup>. 11.

ascribe to the peculiar State of this Government, perhaps indispensably requiring it against your Judgment. Hitherto we have been able, by a rigid Adherence to the Resolution of keeping up the Jumma of the Provinces to a fixed Standard, to prevent any considerable Diminution beyond its original Reduction; but the Continuance of this Practice must infallibly produce a Decline in the Collections, and a rapid Increase of it whenever it shall begin to take Effect; of which it is our Duty to apprize you, in the Hopes of receiving your Orders and Instructions for the Introduction of a more permanent Mode.

Extract of a Letter from the Governor General and Council, in their Revenue Department,  
to the Court of Directors; dated 25th November 1780.

### Settlement and Balances.

Par. 4. In the 19th Paragraph of our Letter of the 10th of January last, we mentioned the Conclusion of the general Settlement of the Province of Bengal, for the Bengal Year 1186, or from the 11th April 1779, to the 10th April 1780; and we now beg Leave to refer to the Report from the Superintendent of the Khalsa Records, entered on our Proceedings, for a General Abstract Account of the Collections made, and Balances become due, for that Period.

5. As the Superintendent's Report refers to the several Explanations of the Collections and Balances received from the respective Divisions, we have only to request your Attention to them, as noted in the Margin, for the Causes which in several of the Districts prevented the stipulated Revenue from being realized, with the Measures taken to recover the Arrears, and the Orders issued by us in consequence; all which will shew that the Deductions allowed have been few, as well as inconsiderable in their Amount, and were from their Nature rendered necessary, and that the remaining Arrears are in a Course of Payment with the Current Revenue.

6. The principal Deficiency you will perceive has arisen in the Dacca Division, the greatest Part of which we were constrained, on the Representation made by the Provincial Council, of the actual State of the Country, and their unanimous Opinion of the total Inability of the Renters to discharge, without proceeding to the Extremity of a Sale of their Lands, to remit.

7. The 20th Paragraph of our Letter of the 20th of last January, will have already brought under your Observation the Inability of this District to pay the full Amount of the Revenue then assessed upon it, with our Endeavours to prevent if possible its further Diminution. In this View we called on the Provincial Council for their Sentiments at large on the real State and Ability of the Province, and on the Means of securing the Revenue from all future Failure and Disappointment. On which Subjects they transmitted to us, at the Close of the last Year's Collections, their separate Opinions; wherein you will, by referring to our Proceedings marked in the Margin, find, that after a particular Delineation of the decayed State of the District, which they concur in ascribing to the various Encreases added to the Rental within the last Ten Years, they are unanimous in recommending its Deduction to a Standard nearly equivalent to the Jumma of the Bengal Year 1177, which they fix on as the last Period before any of these Increases had taken place.

8. Our Answer, which you will find recorded in the same Day's Proceedings, without approving of the proposed Reduction, leaves them a discretionary Power to form the Settlement of the current Year upon the most reasonable Terms they could procure: In consequence of which they have, as a Measure of Necessity, ultimately concluded it upon the same they had first recommended it; the Total of the Jumma, as it now stands, being 27,11,837 Rupees; which, as they have given us the most positive Assurance of the Renters Abilities to realize, will, we hope, relieve us from the painful Task of bringing before you any further Representations unfavourable to the State of your Revenues in that District.

9. At the Expiration of the last Bengal Year 1186, we gave Orders to the Provincial Councils and Collectors (and to the Superintendent of the Khalsa Records, for such Lands as have been separated from their former Jurisdictions and annexed to the Khalsa) to conclude the Settlement of their respective Districts for the present Year, upon the Terms prescribed for that of the preceding; which Orders, together with the several Letters, are recorded on the Proceedings, noted in the Margin.

10. By this Conveyance you will receive the General Statement we promised in a former Address, of the Demand, Remissions, Collections, and Balances, of the Five Years Settlement of Bengal and Bahar, which ended with the Bengal Year 1183, or Bahar Year 1184 (English Style 1776-7). The compiling of this Book has been attended with unavoidable Delay, owing to the many References our Accountant General had Occasion to make to the Provincial Councils, to obtain an exact Account of the Balances outstanding, and Authorities for Remissions granted. The Accounts between the Khalsa and Cutcherries under the Provincial Councils, are properly adjusted; every Demand for Balance is ascertained, and a particular Explanation given of what are deemed recoverable, and what irrecoverable; Authorities for Remissions are fully quoted, and the Reasons assigned for granting them: Where those Reasons are found too voluminous to be inserted at full Length, a Reference is made to the Consultations, in which they are stated at large. As great Labour has been bestowed in forming this Book, we hope it will be found to contain as complete and accurate an Adjustment of the



A P P E N D I X, N<sup>o</sup> 11, 12.

the Collections of these Provinces, for the Period above-mentioned, as could possibly be given; and that it will afford every Satisfaction wished for by your Honourable Court.

11. We also transmit a Copy of the Accountant General's Letter on this Subject, a separate Number in the Packet.

Postscript.

Dated the 29th November 1780.

Since the closing of our Proceedings by this Dispatch, the Superintendant of the Khatta Records has delivered in a Report, under Date the 21st of this Month, accompanying, among other Statements of your Revenues, a General Abstract of the Demand, Collection, and Balances, throughout the Three Provinces, for the last Twelve Months; which shews, that out of the Territorial Rental (exclusive of Customs) amounting to Rupees 2,45,78;229, there remained at the Close of the Collections a Balance of 12,38,192. 7. 9. 1.; of which the Superintendant states, on the Opinions of the Provincial Councils and Collectors, the Sum of 7,97,277. 9. 10. 2. to be recoverable.

---

A P P E N D I X, N<sup>o</sup> 12.

PLAN of Messrs. Hastings and Barwell for letting the Lands in Bengal, after the Expiration of the Five Years Leases.

---

To the Honourable the Court of Directors for the Affairs of the Honourable United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

IN consequence of a Resolution passed at the Board of Revenue on the 11th Instant, we have drawn up, with as much Accuracy as our joint Experience, and the narrow Compass of Time allowed us in the Midst of other pressing Avocations, would permit, a Plan for the future Settlement of the Revenue; which we have the Honour to transmit you enclosed.

We have committed the Charge of this Address to Captain Tryon, having concluded it too late for the Packet.

We are, with great Respect,

Honourable Sirs,

Fort William,  
28th March 1775.

Your most obedient and most faithful Servants,  
Warren Hastings,  
Rich<sup>d</sup> Barwell.

A Plan for a future Settlement.

From the Company's Acquisition of the Dewanny, it had been customary to make an Annual Settlement of the Revenue of the several Districts of Bengal. The principal Zemindars, and all the chief People of the Country, assembled at the City, at the holding of the Pooncah, in the Months of April and May. A Settlement was then concluded in some Places with the Zemindars themselves, in others with Persons who were appointed to the Charge of the Collections, under the Name of Aumils. These Aumils, having each executed an Agreement to pay a certain Sum of Money into the Treasury at Moorshedabad, according to the stated Periods specified in the Kistbundy, were sent into the Country to form the Mustussil Settlement, and carry on the Collections, as they judged most expedient for realizing the Revenue for which they had engaged.

On the Appointment of the Company's Covenanted Servants as Collectors, a Measure which took place in 1770, and on repeated Complaints of the Oppressions which had been committed by the Aumils, the Engagements with them were in general discontinued; and it was left to the Collectors to make a Settlement for the most Part for One Year, in their several Districts, on the best Terms they could obtain.

In 1771, another One Year's Settlement was made, partly by the Collectors and partly by Members deputed from the Council of Moorshedabad. When the Management of the Revenue was the Subject of the Deliberations of the Board in 1772, it was unanimously agreed, that the System of an Annual Settlement was not calculated for the Prosperity of the Country, and the Yearly Attendance of the Zemindars at the City was deemed an unnecessary Expence, which ultimately fell upon the Company. A Man of little or no Property being appointed an Aumil, executed an Engagement to pay 10 or 15 Lacks of Rupees, was invested with full Authority for collecting it, and had no Interest in the Welfare of the District any longer than for the single Year of his Appointment. The Settlements which were made with the Zemindars themselves, were in like Manner



## A P P E N D I X, N° 12.

Manner for One Year only. If the Lands went to decay, the next Year's Revenue was lessened; and if they were improved, it was proportionably augmented.

Arguments are not necessary to prove that such a System must naturally produce Oppression, and be a Check to the Cultivation of the most valuable Articles of Husbandry. It was resolved to let out the Country on Leases of Five Years, that the Farmers might be induced, by Motives of Self-Interest, to attend to its Improvement. They were granted to such responsible Persons as offered the most advantageous Terms, a Preference being reserved to the Zemindars, in case their Proposals were equal to others. Under this System of Farming, the Burdwan Province had been greatly improved, and its Value ascertained since its Cession to the Company. It was hoped, that the same good Effects would be produced in the rest of Bengal.

The ascertaining of the Value of the several Districts, has been sufficiently accomplished; but we will not say the desired Improvement has in general taken place: It has been chiefly obstructed by a Circumstance which could not be foreseen; we mean, the Farmers having engaged for a higher Revenue than the Districts could afford.

The following is the Plan which we recommend to be adopted at the Expiration of the present Leases:

1st. That all new Taxes which have been imposed upon the Ryots in any Part of the Country since the Commencement of the Bengal Year 1172 (or 1764-5) being the Year in which the Company obtained the Dewanny, be entirely abolished.

1st. Whenever any Occasion has arisen, or any Pretence been found, to levy a new Tax upon the Ryots, it has been the Custom of the Zemindars and Aumils to continue to collect it, whether the Occasion has remained or not. By this Means their Rents have been constantly encreasing. This has been an immediate Distress to the Ryots, and must have ultimately affected the Manufacturers, and all other Ranks of People, by raising the Prices of the several Articles produced by the Labour of the Ryots.

The Abolition we conceive would be an immediate Ease to the Ryots, would give Life to Industry, and would tend to lower again the Prices of the Bengal Manufactures. A few of the latest Impositions were abolished by the Committee of Circuit, when they formed the Five Years Settlement; but the then Circumstances of the Company did not admit of their taking any Measures which would have been attended with an immediate Diminution of a more considerable Part of the Revenues.

The Amount of the Taxes imposed since the Acquisition of the Dewanny, will hardly be less than 15 Lacks of Rupees.

We do not imagine any Part of Bengal has been exempted from them, except perhaps the District of Burdwan, and the 24 Pergunnahs.

This Accumulation of Taxes was practised to a still greater Degree in the 10 or 15 Years preceding the Company's Dewanny, than it has since; but it would be difficult to ascertain them exactly at such a Distance of Time, and their Abolition would occasion a greater immediate Loss than could be afforded.

Subsidiary Regulations will be necessary to secure the Ryots in the Enjoyment of the Relief proposed for them; these would be easily formed if the Plan itself was approved. It is unnecessary to enter into a Detail of them at this Time.

2d. That the 24 Pergunnahs be sold as Zemindaries by public Auction, in Lots not exceeding a Jumma or Rent Roll of 20,000 or 30,000 Rupees a Year.

2d. The Sale would raise a large Sum of Money, and there is no Doubt that the Lands would be greatly improved in the Hands of Zemindars, on the permanent Footing which we have recommended: It would then be their Interest to attend to the Cultivation of the most valuable Articles of Husbandry, which require Time to bring them to Perfection, and to submit to present Expences for the sake of future Profit. We

would recommend too, that Europeans be allowed to be Purchasers, provided they can be made amenable to the Revenue Courts, and subject to the same Regulations as the Natives with respect to the Payment of their Rents and the Treatment of their Ryots.

Being of a more enterprising Spirit than the Natives, they would be more likely to introduce new Manufactures, and even to import an Accession of Inhabitants from Foreign Countries; and they would in Time become an Addition of Strength to the British Empire in India.

In the Regulations laid down for the Settlement in 1772, we concurred in a contrary Proposition, because at that Time the Mayor's Court and the Courts of Sessions, to which alone Europeans were amenable, had no Jurisdiction beyond the Limits of Calcutta and the Factories of Trade, although they had a sure Appeal to the Mayor's Court from any Acts of Government passed against them.

This Defect in the Authority of Government has been effectually removed by the Institution of the Supreme Court of Judicature.

3d. That the Revenue to be paid by the Purchasers, be settled at the Medium of what was actually collected in the Three preceding Years, with an Allowance of 15 per Cent. deducted for the Charges of Collection, and their Profits.

3d. We reckon the Charges of Collection at 5 per Cent. and 10 per Cent. is their just Profit as Zemindars. If any Taxes have been imposed since the Commencement of 1772, these must be deducted before the future Revenue is settled.

Aumeens sent into the Pergunnahs immediately on the Expiration of the present Leases, would probably ascertain the Collections without Difficulty, as there would be no one interested to prevent it.

4th. That the Revenue do remain fixed at this Rate during the Life of the Purchaser. That Government be at Liberty to sell the Zemindarry if the Zemindar should be deficient in his Payments.

4th. An annual Encrease would put the Zemindar to Difficulties which would eventually produce Oppression, and prevent Improvement; and Deductions would become necessary, as at present in unfavourable Seasons.

If the Revenue be fixed, the Profits of one Year will compensate for the Losses of another: And should the Zemindar, through his own Misconduct, be at any Time deficient in his Payments, a Purchaser would never be wanting to take the Zemindarry on Terms which would secure to Government its just Revenue.

5th. That on the Death of any Purchaser, the Zemindarry shall devolve to his Heir. That it shall then be at the Option of the Government, to continue it fixed to him at the same Rate as was paid by the Purchaser, or to make a new Hustabood of it, and settle the Rent on the Medium of the actual Collections of the Three preceding Years, in the Manner proposed in the 3d Article; with this Proviso, however, that whatever may be the Result of the Hustabood, no greater Encrease shall be levied than Ten per Cent. on the preceding Lease, nor the Settlement be reduced to less than the preceding Lease. That the Expence of the Hustabood be defrayed, Half by the Government, and half by the Zemindar.

If the new Zemindar agrees to an Encrease of 10 per Cent. a Hustabood will then be unnecessary. This, however, should not be demanded, unless the preceding Zemindar had possessed the Estate at least Ten Years.

5th. The Encrease proposed is very moderate; but we do not think it could be rendered greater, consistently with the Value which we would wish to be set upon Landed Property, for upon this we deem the whole Success of our Plan to depend.

It cannot, we think, be reckoned an Injustice, that the Successor should at any Rate pay the same Revenues as his Predecessor; if the Zemindarry is not worth holding on those Terms, he will be at Liberty to sell or relinquish it. It is a necessary Regulation, lest the Successor should insist upon a Hustabood, and by Influence and Bribing get the Value of it reported much lower than the Truth, and so defraud the Government. Was every Zemindar required to deliver annually an exact Account of his actual Collections, under Pain of forfeiting his Zemindarry, it might prevent the Necessity of ever having Recourse to a Hustabood; but we apprehend such a Clause would occasion an Alarm, and discourage People from purchasing.

We propose the Expence of a Huftabood to be paid, Half by the Government and Half by the Zemindar, that both may be induced to an amicable Adjustment.

If the preceding Zemindar had possessed the Estate but a short Time, the Government ought to confirm it to his Successor without any Encrease. If he had possessed it a great Number of Years, and no particular Circumstance had happened to prevent its Improvement, it would be reasonable that the Encrease of 10 per Cent. should be demanded.

This Encrease of 10 per Cent. should be demanded on each Succession, if the State of Improvement would admit of it; and this, in case of Disputes, could be ascertained by the Huftabood.

It is unnecessary at present to enter upon a Discussion of the subsidiary Regulations which would be requisite for the Transfer of a Zemindarry by Sale or otherwise, the granting of new Sunnuds, &c. &c.

6th. The Reasons for this Regulation are explained in the preceding Article.

6th. That should the new Zemindar refuse to hold the Zemindarry at the same Rate as was paid by his Predecessor, he shall either sell it to some other Person, who will be answerable for the Revenues, or else it shall be forfeited, and escheat to Government.

7th. That should the new Zemindar refuse to hold it on the Terms of a Huftabood, as proposed in the 5th Article, he shall receive an Allowance of 10 per Cent. on the preceding Settlement; and the Government shall be at Liberty to farm it out on the best Terms procurable.

7th. It might sometimes happen that an Aumeen, employed in making the Huftabood, would report the Collections of the Three preceding Years to be higher than they actually were; and that in consequence, an Encrease might be demanded when the State of the Zemindarry would not admit of it.

This Regulation is meant to secure the Zemindar from suffering by such a Circumstance, and to render him at any Rate certain of a Profit of 10 per Cent.: But it would seldom be good Policy in the Government thus to free the Zemindar from his Responsibility in the Revenue, and take the Management out of his Hands.

8th. We propose this Article, that the Zemindar may not be liable to lose his Inheritance by the Misconduct of his Servants, before he is himself of an Age to attend to the Management of it.

8th. That should the new Zemindar be a Minor, and Guardians have not been appointed by the Father, the Government shall take the Zemindarry under its own Charge, till he attains the Age of Eighteen Years; and be at Liberty to farm it out on the best Terms procurable, setting apart for him an Allowance of Ten per Cent.

9th. That as soon as he attains the Age of Eighteen Years, the Farm shall be offered to him on the Terms proposed in the 5th Article; and if he refuses to hold it on any of those Terms, the Government shall be at Liberty to farm it out, as in the 7th Article.

9th. We leave him the Liberty of declining to farm it, even on the Terms on which it was held by his Predecessor; because it may have been injured during his Minority, and so may have fallen to Decay, without either his or his Predecessor's Fault. He may still bid for it according to what he deems its Value, and be allowed a Preference to others, as proposed in the 10th Article.

10th. That all the other Districts of Bengal be farmed out on Leases for Life, or for Two joint Lives, to such responsible People as shall offer the most advantageous Terms; allowing a Preference to the Zemindars (provided they have attained the Age of Eighteen Years) if their Offers are equal, or nearly equal, to those of others, or if they are equal to what the Council shall judge to be the real Value of the Lands.

10th. Whenever the Landed Property shall be put upon such a Footing as to render it desirable, and secure Purchasers in case of Balances, we would wish that the Revenue of every District should be settled with the Zemindars; and for this Reason we propose he should have a Preference, if his Terms are equal to what the Council judge to be the real Value of the Lands, even though other Persons should be willing to give considerably more. This Power will be very likely to subject the Conduct of the Council to Misrepresentations;

## A P P E N D I X, N<sup>o</sup> 12.

Misrepresentations ; but unless it is allowed to, and exercised by them, it will be impossible to prevent the Mischief of Districts being over-rated, as at the Five Years Settlement, by People offering more for them than can be afforded, consistently with Justice to the Ryots.

It might be resolved, that no Proposals should be received from any Persons but the Zemindars themselves ; and that their Terms should be fixed by the Result of the Hustabood, as in the 3d Article. A Kind of Hustabood will indeed be necessary at any Rate, according to our Plan, in order to ascertain the Taxes which have been imposed upon the Ryots since the Commencement of 1171 ; but to trust to it for fixing this Settlement, would be attended with great Risk of injuring the Government, by the Influence of Zemindars preventing the Delivery of just Accounts, and by the Temptation to which the Aumeens would be exposed, of Corruption.

Leases to Farmers, on fixed Terms, for Life, would interest them in the Improvement of the Country equally with the Zemindars, and in one Respect would be more effectual ; we mean, by being granted to substantial Men, who have Money of their own to lay out in Improvements. The principal Argument in favour of the Zemindars, is the Security arising from the Power of selling their Lands, when Landed Property is put on such a Footing as to become desirable.

11th. If the Attention of Government be drawn aside by Allurements held out of future Encreases, the Revenue will be over-rated. Many Persons may be found who will not scruple to promise more than they are able to perform, if by that Means they can obtain their present Views. (Vide Observations on the 4th Article.)

12th. Without this Article we should not think a Settlement with the Zemindars advisable, especially with the great Zemindars. They are for the most Part ignorant of, or inattentive to Business, and trust to their Servants, who defraud and impose upon them ; besides, it has so long been the Custom of Bengal, to raise their Rents to the full Value of their Lands, that very few of them have any Desire for their Improvement, and we do not suppose that an Alteration in the System of Landed Property will make any immediate Change in Sentiments which they have imbibed from their Infancy. The Fear of the Sale of their Lands is the only probable Instrument of keeping them to their Engagements ; and the actual Sale of them is the only Means of reimbursing the Government if they fail. With respect to the Terms on which the Revenue of the alienated Lands should be fixed for the Purchasers, in case of their Sale, the following should be the Rules observed : If the Land to be sold be a Pergunnah separated from a large Zemindary, it should be ascertained by the Hustabood, as proposed in the 3d Article : If it be an entire small Zemindary, it should be fixed according to the preceding Settlement, provided the Council have Reason to believe it was rated at nearly its just Value.

13th. Requires no Explanation.

11th. That it be expressly stipulated, That no Attention shall be paid to any Proposals for an annual Encrease ; it being meant that the same Revenue shall be paid for the First Year as for the subsequent Years : That no Encrease be levied, or Deduction allowed, on any Account or Pretence whatever.

12th. That it be observed as an invariable Rule, that if any Zemindar fails in his Engagements, his Zemindary, or such Part of it as may be necessary to pay the Deficiency, shall be publicly sold ; the Purchaser to hold it either on the Terms of a Hustabood, as proposed in the 3d Article, or according to the preceding Settlement, as may be specified in the Advertisement.

13th. That the several Regulations proposed in the 4th, 5th, 6th, 7th, 8th, and 9th Articles, relative to Purchasers in the Calcutta Pergunnahs, shall equally extend to the Purchasers in other Districts, and to the present Zemindars.

14th. That

14th. We

## A P P E N D I X, N<sup>o</sup> 12.

14th. That whenever the Zemindar does not farm his own Zemindarry, his Allowance be fixed at 10 per Cent. on the Amount of the Revenue settled by the Government.

15th. That each Zemindar, or the Farmer where the Farmer has Possession, be authorized to exercise a Fouzdarry Jurisdiction, and be made answerable for Murders and Robberies committed in his District, agreeably to the old Constitution of the Empire.

16th. That for the Salt Contracts, a Preference be allowed to the Land Farmer; and that in future it be regulated, that the Molunghees or Salt Boilers shall not be obliged to work whether they chuse it or not; but only, that if they do work, it shall be for the Contractor, and that their Salt shall be delivered to him. The Price to be settled by mutual Agreement.

17th. *That these Regulations, or such Part of them as shall be approved, and any others which the Honourable Court of Directors shall think fit to add to them, be passed into fixed Laws by their express Commands. That it shall not be in the Power of the Governor and Council to change or deviate from them on any Occasion, or for any Pretence whatsoever: And that Copies thereof in the English, the Persian, and Bengal Languages, be affixed to all the Cutcherries of the Provinces, with the same Authority declared for their Establishment and Duration.*

14th. We understand this was the Rule in the ancient Constitution of the Empire. It now prevails universally in the Province of Bahar, under the Title of Malekâna, or the Right of the Proprietor.

15th. The Fouzdarry Jurisdiction, according to the Constitution of the Empire, is inherent in the Zemindar; but it will be dangerous to entrust the Exercise of it to any other than the Person who has the Charge of the Collections; nor would it prove effectual in any other Hands. Continual Jealousies and Contentions would be excited between the Farmer and Fouzdar: The former would suffer by the Oppressions of his Ryots, if the latter has a superior Influence, or he would make use of such a Plea, to obtain a Remission in his Rents: And the Fouzdar would be unable to act, if the Farmer's Influence prevailed, as the Ryots would always fly to him for Protection. Some Regulation of this Kind is necessary for the Peace of the Country; but it would require much Care to put it upon such a Footing as neither to be oppressive to the Farmer nor to the Ryots.— The old Constitution of the Mogul Empire should in this Instance be the Basis of the Rules to be ordained.

16th. We propose, that the Zemindar or Land Farmer should also be the Contractor; because he would be able to execute that Business with greater Advantage than another. An Order, restricting the Molunghees to the Service of the Contractor, cannot be oppressive, if they are at the same Time allowed to quit that Business altogether, in case they cannot settle with the Contractor to their own Satisfaction, for the Price and Conditions of their Labour. Such a Permission would put them on a happier Footing than they have ever yet enjoyed. That Government should continue to draw a Revenue from the Article of Salt, appears highly proper and equitable. We know not any more equal or eligible Mode of Taxation. Suppose the Inhabitants, one with another, to expend a Seer of Salt per Month (which is a large Allowance) and suppose the Government to draw from it a Revenue of One Rupee per Maund, which would amount to Twenty Lacks; the Charge to each Person would be little more than a Fourth Part of a Rupee in a Year; so mere a Trifle, that it could scarcely be felt: We suppose the utmost. The real Increase of Price since the Year 1772, when the Government took the Salt Manufacture into their own Hands, has not been Half a Rupee per Maund.

17th. *The continual Variations in the Mode of collecting the Revenue, and the continual Usurpations on the Rights of the People, which have been produced by the Remissness or the Rapacity of the Mogul Government, and in the English, by the Desire of acquiring a Reputation from a sudden Increase of the Collection, without sufficient Attention to remote Consequences, have fixed in the Minds of the Ryots so rooted a Distrust of the Ordinances of Government, that no Assurances, however strong, will persuade them that Laws which have no apparent Object but the Ease of the People, and the Security of Property, can be of large Duration, unless confirmed by a stronger Pledge than the Resolution of a fluctuating Administration,*

## A P P E N D I X, N<sup>o</sup> 12, 13.

*stration, even with the Sanction of the Honourable Court of Directors. Time will be required to reconcile their Belief to so extraordinary a Resolution in the Principles of this Government.*

At the same Time that the Honourable Court of Directors send us their Instructions concerning the future Settlement of the Revenue, we wish to be furnished with their Sentiments on the Rule of Succession to Zemindarries. Both by the Mussulmen and the Gentoo Laws, an Inheritance should be divided amongst the Sons in equal Proportions; yet it has been established by Custom, that the large Zemindarries shall not be divided, but be possessed entire by the eldest Son, who is to support his younger Brothers: On the contrary, it is usual for the small Zemindarries to be divided amongst all the Sons; but in many Parts of the Country, the Custom prevails, that the eldest should have something more than the others.

The Reverse of these Customs, we think, would be for the Interest of the Government. We mean, that the large Zemindarries should be divided, and that the small ones should be preserved entire.

The Business of the Revenue, we think, would be best conducted with Zemindars whose Estates yield them from 10,000 to 2 Lacks of Rupees a Year: They vary at present from 3 or 400 Rupees to 40 Lacks.

The Proprietors of the very extensive Zemindarries are generally oppressive and extravagant, and possess an Influence which they employ in Opposition to Government, and in case of a War, they might even become formidable, as was the Case in former Times. At the best, they find the Management of their Estates a more laborious Task than they are able or willing to undertake, and leave it too much to their Servants. And on the other Hand, the Collection of the Revenue from very small Zemindarries, is attended with Trouble and Expence. With respect to the Mode of managing the Collection of the Revenue and the Administration of Justice, none occur to us so good as the System which is already established, of Provincial Councils, as explained in the Revenue Consultations of the . . . . .

We are under some Apprehension, however, lest the Members of these should divide into Parties, and so the Currency of Business be impeded, and Disputes engross the Time which ought to be employed in a minute Attention to the Detail of their Duty, and to Dispatch, which is the Life of the Collections. It is the natural Consequence of Dissentions in the Superior Council, and our constant Care will be required to prevent it.

Warren Hastings,  
Rich<sup>d</sup> Barwell.

## A P P E N D I X, N<sup>o</sup> 13.

Extract of Bengal Secret Consultations, 29th May 1776.

**T**HE Governor General and Mr. Barwell lay before the Board, a Copy of a Letter addressed by them, jointly, to the Court of Directors, by the Ship Talbot, with the Copy of a Bill proposed for an Act of Parliament, and other Enclosures. They have thought proper to add some Corrections to the Bill; which are intended for the next Copy to be transmitted to the Court of Directors, and are distinguished by being written in Red Ink. \*

To the Honourable the Court of Directors for the Affairs of the Honourable United Company of Merchants of England trading to the East Indies.

Fort William, 31st April 1776.

Honourable Sirs,

The accompanying Sheets contain the Draught or Scheme of an Act of Parliament, formed on the Plan which we had the Honour to transmit to you in Duplicate by the last Dispatches, for the better Administration of Justice in these Provinces, and drawn up at our Instance by the Chief Justice. The enclosed Copy of a Letter from him to the Governor General, now sent with his Permission,

SER. COM. REP. VI.

Y



mission, will best explain our Motives for engaging his Attention to so laborious and difficult an Undertaking.

The other Judges, to whose candid Assistance we must also acknowledge ourselves greatly indebted, have together revised the Whole with great Care and Attention, and have been pleased to signify their general Approbation of it in a Letter, which we likewise enclose for your Satisfaction.

Though incompetent Judges of a Composition of this Nature, it appears to us to be written with such Accuracy and Perspicuity, and guarded with such ample Provisions, that we believe it will not need the Allowance which the Chief Justice has thought proper to claim for its Defects; yet it is a Duty which we owe to his Appeal, to declare, that although it was most cheerfully undertaken, it was begun immediately after a Fit of Sickness, so late as the Time of the Close of our public Dispatches, and delivered as it was finished, in Parts, for repeated Revisal. The same Excuse we must plead for the Blots and Erasures of the Copy, having been obliged to employ several Hands in transcribing it, and to correct some Parts after it had been written for your Use.

The short Time which is now left us (the Packet being already closed) will not allow us to offer many Observations upon this Performance. Few Deviations have been made in it from the original Plan. The most essential are in the Jurisdiction respectively assigned to the Provincial Councils, and the Courts of Adawlut Dewanny Zillajaut. The former are restricted to the Cognizance of such Causes only as had an immediate Relation to the Public Reveaue; the latter are entirely freed from their Dependence and Connexion with the Provincial Councils, and invested with a Jurisdiction in all Cases which do not appertain to the Revenue, and even in the Trial of Complaints from the Ryots against the inferior Agents of the Collections, for Exactions not warranted by their Pottahs or Leales; for although these, as Matters of Revenue, should be properly cognizable by the Provincial Councils, yet from the innumerable Instances of this Kind of Oppression, which we apprehend will occur whenever the Ryots shall have a Resource provided for their Redress, they would prove too heavy a Charge upon the Provincial Councils, and encroach too much upon the Time which they ought to bestow on the Receipt and Management of the larger Collections.

By this Distribution the Objection is in a great Degree removed, which might have been made to the mixed Powers which were proposed by our first Plan to be given to the Provincial Councils; and we hope it will be found, that the Judicial Authority which is still left with them, is no more than will be indispensably necessary to enable them to conduct the Business of their official Department, without the Embarrassments and Delays to which it would be perpetually exposed in the ordinary and daily Process of their Collections, by Applications to the Courts of Justice from litigious and insolvent Debtors of Government.

Of the other Alterations and Additions which have been introduced by the Chief Justice into the Plan as it now stands, we think sufficient to declare that they have our entire Approbation, being calculated, as far as we are able to judge, to promote the Ease of the People, and the Benefits of Society; to render the Process of the Courts effective of the Ends of their Institution, and to free it from unnecessary Expence, Trouble, and Vexation.

In thus delivering our Opinion of the probable Effects of the Regulations laid down in the Bill, we presume not to look beyond the Line prescribed by our own local Knowledge; it will rest with you, Honourable Sirs, to consider in what Manner they may affect your general Interests; and to those whose professional Knowledge of the Principles and Forms of Law, it may be thought proper to trust the Revisal of them, to decide on their Propriety or Expediency in other Respects.

However it may be your Desire to govern the People of this Country by the fixed Rules of Law and Justice, we dare venture to pronounce that it will be impossible to effect this by any System, however judicious, which shall not have the Sanction of Sovereign Authority, especially with Courts which are to exercise a concurrent Jurisdiction with the high Powers granted by Parliament to the Supreme Court of Judicature.

We have already had some Experience of the Courts which were established in the Year 1772. These, though imperfect for the Reason above assigned, have been universally approved by the Inhabitants of these Provinces; and with the Improvements proposed by this Act, by giving them a legal Sanction, and placing them under the Controul and Jurisdiction of the Judges of the Supreme Court, we have every Reason to promise ourselves that they will prove, in Aid of that Court, an effectual Security to private Property, and eventually the Instruments of adding both to the Population and Revenue of the Country. For while the Farmer depends on the arbitrary Will of Government, a large Portion of the Rents will be unavoidably sunk in the intermediate Channels, before it can find its Way to the Public Treasury; which would not be the Case, at least not so in so great a Degree, if his Engagements were secured by legal Protection, and could be sure of immediate Redress against the Attempts of undue Influence or the Chicanery of Office, and if the Receipt is guarded from the Extortions of the lower Agents of the Collections; when the Experience of a few Years shall have confirmed the public Confidence, that their Pottahs will prove the full Measure of their Rents, it is our Belief, that such an Encouragement will draw Multitudes of new Inhabitants into Bengal, who may hope to enjoy a State of Tranquillity unknown to any other Government in India.

We shall not offer any Opinion concerning the Constitution of your present Government in these Provinces; many Reasons at this Time forbid it; although we conceive it to be of essential Importance, in the Formation of a complete System of judicial Controul, that the Power which is to protect

## A P P E N D I X, N<sup>o</sup> 13.

protected and give Vigour to its Operations, should be as far as it can be rendered from Imperfection: A Sense of Duty required us, by this brief Intimation, to bring before your Notice a Subject so apparently connected with the Object of our present Address, and to leave the Prosecution of it to your superior Wisdom.

We have the Honour to be, &c.  
(Signed)

Warren Hastings;  
Richard Barwell.

P. S. Since closing the above, the Governor General has received a Letter from Mr. Justice Chambers, relative to the proposed Bill, which, with his Consent, we take the Liberty to enclose.  
(Signed)

Warren Hastings,  
Richard Barwell.

Dear Sir,

I now send you the last Sheets of the Scheme for an Act of Parliament, drawn up on the Plan you communicated to me, as agreed upon by you and Mr. Barwell. You will see I have taken the Liberty to depart from it, according to the Permission given me, in some Instances, and have added some Clauses which entirely relate to the Supreme Court; Inconveniences which we have already experienced suggested them to me. If either of you think there is any Thing in those not suited to the present Situation either of the Company's Affairs or the Country, strike them out, and do not embarrass your Scheme with them; deal in like Manner with the Alterations I have made in the original Plan; either the Alterations themselves, or the Conversations I have had with you at different Times, will make the Reasons for them obvious. I have so penned down one Part of the Plan, which, though conformable to the Ideas of the Governments that have prevailed in this Country, and absolutely necessary where the Mahomedan Religion dictates the Law (which without it could not repress the most atrocious Crimes) is so contrary to the Genius of the English Laws, and the Jealousy of the People, that it will I fear, even in its present Situation, be ill received by a British Legislature.

What I mean, is the Power which the Nizam formerly possessed, and is now transferred to the Governor General and Chief Justice, of altering a Sentence. It can now only, as it now stands, be aggravated to a Capital Punishment, in such Cases as would be Capital in England, or by the Laws of this Country; for the Power is only given in Cases Capital by the Laws of this Country, or which are declared so by Sudder Dewanny Adawlut; and that Court is prohibited from making any Offence Capital, but such as would be so in England. I believe Adultery is almost the only Crime Capital by the Laws of this Country, which would not be so in England. I would have rather wished, that the Judge should have pronounced a certain unalterable Sentence, but would not take on me to propose so material an Alteration; as you are so much better instructed than I am, in the Manner of thinking of the People, and what Power it is safe to trust to the Black Judges without Control. My small Experience has already shewn me the Natives should not much be confided in.

I have in all Instances made the Power of Appointment reside in the Governor General and Council (where, in my Opinion, all Patronage ought to remain) except in Cases of the Coroner and Superintendant of the Police, and the Cutwals, which I have placed in the Sudder Dewanny Adawlut; the Coroner would perhaps be full as properly made an Officer of the Supreme Court. As he should be conversant with the English Laws, and must be amenable to the Court, I thought the Judges of that Court ought to have a Share in his Appointment. The others are Officers of the Police; and the 13th of George III. gives the Supreme Court a Negative in all Matters of Police; I therefore thought it more conformable to the Intention of the Legislature, that the Court composed of both Bodies, that which was empowered to make Laws of Police, and that which had a Power approving or disapproving, should appoint Officers concerned in it.

I have made all Salaries, Fees, &c. revivable by His Majesty in His Privy Council; those which are not fixed by Act of Parliament, are made subject to such Review, either by the 13th of George the IIIrd, or the King's Charter. I did not make them revivable by the Court of Directors, because I apprehended the Legislature would hardly pass an Act, which it might be in the Power of the Company to defeat; which, by appointing too small Salaries, the Company might do, if it was finally left to them; a Case which I am sure would never happen; but as it was a possible Objection, and what I thought Parliamentary, I did do what I could otherwise have submitted to them. I am very far from wishing to see any Act pass, which both the Nation and the Company may not think conducive to their Interest.

The having declared the Sovereignty in the King, naturally suggests the Idea of the final Appeal being to His Majesty in Council. The very great Inconveniences which you have mentioned to me, and which must unavoidably follow, if all Matters of disputed Property were to wait for final Decisions in England, prevented me from inserting a Clause to that Purpose; and I hope the Sagacity of the King's Officers, and of the English Parliament, will foresee them sufficiently, to prevent any such Clause being added in England.

I need not make any Apology to you and Mr. Barwell for Inaccuracies, Repetitions, and want of properly digesting the Matter; as you know that my Indisposition prevented me from attending to any Thing

# A P P E N D I X, N° 13.

Thing till the Ship was actually under Patch; and that I was prevented from revising it, or comparing the Parts, by being obliged from Hurry to send away each Sheet as I finished it, to be copied.

There will therefore be necessarily many Sanctions, which might have been added to several Matters together, repeated distinctly and separately to each; and as the Whole, reduced to Writing as it now stands, for the first Time, it is in Nature of Memorandums, which suggested themselves as I went on; and many Clauses may and must be misplaced. I fear the Sanctions, Restrictions, Limitations, Provisoos, &c. which are meant to be the same, are not in many Places in the same Words, which they ought literally to be, to prevent any Argument of Construction, that the Variation of Expression would not be, if there was no Intent to vary the Substance.

On the Whole, you will find it to be far from complete; nothing but your great Desire that it should go to England by this Ship, to shew the Solicitude which I know you feel that the Country may be properly settled as speedily as possible, and my being likewise anxious on the same Subject, could have prevailed on me to deliver it out of my Hands in the State it is now in.

It is in some Form, though not in the proper Form; I hope, sufficient to shew the Practicability of the Plan in Europe. I know how much People shrink back, especially Lawyers, and indeed more especially some Friends of mine in that Line, to which this, if approved of, will most certainly be submitted, when they see a great Quantity of loose Materials, which they are to form into a Fabric. When this Fabric has some Shape, they will attempt perhaps to mend it. It was repeatedly said to me on a late Occasion in England, when I suggested any Idea to one of His Majesty's principal Law Servants, and my particular Friend, "Reduce it into Form in Writing." Suggesting Ideas frequently embarrasses, though they strike the Mind, but are often difficult to reduce to Form. Many a Man has new-modelled an inconvenient ill-constructed House, who would not have meddled with Brick and Mortar in its original State; they are tempted to it. I hope this rude Fabric will tempt some able Hand to new-model it, though perhaps he may find, as is often the Case of those who patch up a House already built, that in the End there would have been less Trouble and Expence if they had pulled it down to the Foundation, and had built a new one.

After you have gone over them, judge coolly, whether it is not too inaccurate to be sent to England. I have been very severe, you will see, against taking more from the Ryot than is reserved in his Pottah, and have made the Record of Judgment in another Court, Evidence against them on a Prosecution. This Severity proceeds from your State of the Consequence and Universality of the Offence; the making the Record Evidence, from the Difficulty of trying a Matter of Account, and especially an Account kept in a Foreign Language; and the Inconveniencies it will be to the Company to have their Revenue Officers perpetually called to Calcutta to prove the Accounts;—but if I proceed to explain my Reasons, my Letter will be more voluminous than the Bill itself.

If you do transmit it to England, you will do me Justice, either not to mention the Drawer, or if you do, the Time which was allowed for it, the Manner in which it was done, the State of Health he was in, and his total Want of Assistance from the necessary Avocations of the other Judges.

Fort William,  
28th March 1776.

I am, &c.

(Signed)

E. Impey.

P. S. I shall rely much on Mr. Barwell's Opinion, whether it is in a proper State to be sent to England.

We have read the Draught of a Bill, intituled, "A Bill for the better Government of the Kingdoms or Provinces and Countries under the Government and Controul of the Governor General and Council of Fort William in Bengal, and for the Administration of Justice therein;" and in general think the Regulations thereby proposed are wise and just in themselves, and will probably in their Effects contribute to the Honour and Advantage of Great Britain, as well as to the Safety and Happiness of the Native and European Inhabitants of these Provinces.

The Length of the proposed Law, the great Number of Provisions which it comprizes, and the approaching Departure of the Packet for Europe, render it impossible for us to give a decisive Opinion on every Part; but the Consideration which we have given to it, enables us to say, that we all approve greatly the general Scope and Tendency of the Bill.

Fort William,  
the 30th March 1776.

(Signed)

R. Chambers,  
S. C. Lemaître,  
J. Hyde.

Dear Sir,

Sunday Morning.

Lest in the Hurry of concluding your Letters it should happen to be omitted, I take the Liberty to remind you, that from the general Approbation given last Night of the Bill which you are about to transmit to the Court of Directors, I thought myself obliged to make a particular Objection against the Establishment of a full and absolute Provincial Legislature, without any negative Power of Rejection vested in the Chief Magistrate; and I now repeat my Request, that in every Letter which mentions the Approbation, this Exception may also be mentioned.

My Brother Lemaître, and my Brother Hyde, were not willing that in our written Opinion any Notice

## A P P E N D I X, N<sup>o</sup> 13.

Notice should be taken of this Objection, because they had not, for Want of Time, given so much Attention to the Point, as to have formed a Judgment upon it ; but as I had considered this particular Question some Time ago, and have frequently revolved it in my Mind since, and as the Subject appears to me too important to be passed over in Silence, I wish to have it understood, that I cannot approve of the proposed legislative Establishment, unless a Power of refusing be given to the Governor General.

To the Governor General.

I have the Honour to be, &c.  
(Signed) Robert Chambers.

Ordered, That the Bill be entered after the Consultation.

Extract of a Plan for a Bill for the better Government of the Kingdoms, Provinces, or Countries, under the Government and Controul of the Governor General of Fort William in Bengal ; and for the Administration of Justice therein.

And whereas the Kingdoms or Provinces of Bengal, Bahar, and Orissa, were divided by the late President and Council of Fort William in Bengal, into Seven different Divisions, by the Names of the Division of Calcutta, the Division of Moorshedabad, the Division of Burdwan, the Division of Dacca, the Division of Dinagepore, the Division of Patna, and the Division of Chittagong : And the said Divisions were respectively subdivided, or were meant or intended to be subdivided, into several Districts, by the said President and Council, by the Names following ; that is to say, the Division of Calcutta into the Districts of Calcutta including the Twenty-four Purgunnahs, of Houghly, of Jessore, of Meddie, and of Hidjelic ; the Division of Moorshedabad, of Betorea, of Boolna, of Rajemahl, and of Baugulpore ; the Division of Burdwan into the Districts of Burdwan, of Burboom, of Puchect, of Bissenpore, of Midnapore, of Jellapore, and of Jungulterry ; the Division of Dacca into the Districts of Dacca, of Silhet, of Buzzoorgomedpore, of Allassing, of Mominsing, and of Bellooa ; the Division of Dinagepore into the Districts of Dinagepore, of Purneah, of Rungpore, and of Cooch Bahar ; the Division of Patna into the District of Patna, of Beetua, of Sircar Sarar, of Tirhoot, of Shahabad, of Rotas, and of Ramgur ; and the Division of Chittagong into the Districts of Chittagong and of Tipperah :

Be it Enacted by the Authority aforesaid, That the said several Divisions and Districts respectively, be hereafter called by the Names the said Divisions or Districts now bear and are known by : That the several Cities, Towns, Villages, and Countries, by the said President and Council included within the said Divisions and Districts respectively, do for ever remain included in the said Divisions and Districts to which they have been so allotted, and be for ever hereafter considered respectively as Part and Parcel thereof. And be it Enacted by the Authority aforesaid, That there be erected and established, and there is hereby erected and established, within each of the Divisions aforesaid respectively, One Court of Record and of Revenue ; which said Courts shall severally and respectively be called, The Court of Provincial Council of Calcutta, The Court of Provincial Council of Moorshedabad, The Court of Provincial Council of Burdwan, The Court of Provincial Council of Dacca, The Court of Provincial Council of Dinagepore, The Court of Provincial Council of Patna, and The Court of the Provincial Council of Chittagong ; which said several Provincial Councils, and each of them, shall consist of a President and Three Counsellors, to be from Time to Time nominated and appointed out of the elder Servants of the East India Company, by the Governor General and Council of the Presidency of Fort William in Bengal, or the major Part of them, or in the Absence of the Governor General, by the Counsellors of the said Presidency, or the major Part of them : And the said President and Counsellors, and each of them, shall remain in his or their Office or Offices during the Pleasure of the said Governor General and Council, or until he or they shall resign the same, or for just Cause shall be removed from the same, by the said Supreme Court of Judicature, as is hereinafter mentioned : And in case of Death, Resignation, or Amotion of any President or Counsellor of the said Courts of Provincial Council, the Governor General and Council, or the major Part of them, or in his Absence the Counsellors, or the major Part of them, shall, within Two Months after such Death, Resignation, or Amotion, nominate and appoint another of the elder Servants of the said Company to the Office so vacant, who shall remain in his Office during the Pleasure of the said Governor General and Council, or until he shall resign, or shall in like Manner be amoved. And it is hereby required and commanded, That the said Four Persons so respectively appointed Judges of each of the said Provincial Courts, or the major Part of them, do assemble Three Days in every Week at least, in some certain Place to be by them appointed in the principal Cities or Towns of the Division in which the said Courts of Provincial Council shall respectively belong ; and the Presidents and Councils of the said Courts of Provincial Councils respectively, or any Three Judges thereof, so assembled, and at all Times when they or Three of them shall be assembled for the Purpose of transacting Business, shall have, and are hereby declared to have, full Power, Jurisdiction, and Authority to hear, examine, try, and determine, in Manner hereafter mentioned, all Actions and Suits concerning any Debt, Duty, Interest, or Demand whatsoever, which hath accrued and arisen, or which shall hereafter accrue or arise and become due, mediately or immediately, to the United Company of Merchants of England trading to the East Indies, or to any Person

# A P P E N D I X, N° 13.

Person or Persons indebted to the said Company, from any Persons resident within the Division to which the said Court of Provincial Council shall belong, or who shall have been resident there at the Time when such Cause of Action shall have accrued; and to settle, adjust, determine, and give Judgment on all Matters of Account whatsoever, which have accrued or shall hereafter accrue between such Persons as aforesaid, and between any Farmers and Under Farmers, Securities of Farmers or Under Farmers, or any other Agents or Officers concerned in the Collections of the Revenues of the said Company, or between any of them, or Persons indebted to them, who shall be resident, or shall have been resident when such Account accrued, within the said Division; and on any such Cause of Action as aforesaid, it shall be lawful and competent for any such Persons to whom the same has accrued, or shall accrue, by himself, or for any other Person in his Behalf, to prefer to the Court of Provincial Council to which the Cognizance thereof shall belong, an Arzee, Plaint, or Bill in Writing, containing the Cause of Action or Complaint; which said Arzee, Plaint, or Bill, shall, by the proper Officer, be filed on Record in the said Court, and shall be read in Court on the next Court Day after the same shall have been preferred, if the Business of the Court will permit; or as soon after as the said Business shall permit: And it is hereby ordered, that the Arzee, Bill, or Complaint first preferred to the said Court, shall be first filed, read, and proceeded on; and if such Arzee, Bill, or Complaint, shall contain any of the Causes of Action aforesaid, the said Court of Provincial Council is hereby authorized and required to award and issue a Summons in Writing, directed to the Serjeant of the said Court, containing a short Notice of the Cause of Action set forth in the Arzee, Bill, or Complaint, and commanding him to summon the Party against whom the said Arzee, Bill, or Complaint shall have been filed, to appear to answer the said Arzee, Bill, or Complaint; which said Summons, and the Execution thereof, the said Serjeant shall duly return to the said Court; and the Person or Persons so summoned shall accordingly appear and make Answer to the said Arzee, Bill, or Complaint, the Court allowing a reasonable Time for that Purpose; and after such Appearance, the said Court shall proceed from Time to Time, giving reasonable Days to the Parties, to hear their respective Allegations, as Justice may require, and to examine the Truth thereof, upon the Oath or Oaths of such competent and credible Witnesses as they shall respectively produce: For which Purpose the said Court is hereby authorized to award Summons in Writing, commanding such Witness or Witnesses as shall be required by either of the said Parties, to appear and depose their Knowledge touching the Suit; and the said Court is hereby authorized to award a Sum for the reasonable Expences of such Witnesses or Witnesses, if the Court shall think fit so to do, to be levied and enforced against the Party at whose Suit such Witnesses or Witnesses shall have been summoned, in like Manner to be levied as Money recovered by Judgment of the Court; and the said Court is hereby authorized to administer to such Witnesses, Plaintiff and Plaintiffs, Defendant and Defendants, and others whom they may see Occasion to examine, such Oaths, and in such Manner and Form, as the said Court shall esteem most binding on the Consciences of such Persons respectively: And the said Court is hereby required to reduce, or cause the said Depositions to be reduced into Writing, in the Languages in which the same shall have been delivered, and to be subscribed by the several Witnesses respectively, with their Names or other Mark, and to file the same of Record: And if any Person or Persons so summoned shall wilfully neglect to appear, or be sworn, or be examined, or subscribe their Depositions, the said Court is hereby authorized to punish such Person or Persons so refusing or neglecting, by Fine, Imprisonment, or other Corporal Punishment, not affecting Life or Limb. And the said Court is hereby further authorized, upon examining and considering the several Allegations of the said Parties to such Suit, or of the Complainant alone, if the Defendant shall make Default after Appearance, or say nothing, or confers the Matter contained in the said Arzee, Bill, or Complaint, and on such Depositions aforesaid, to give Judgment and Sentence according to Justice and Right, and to award such Costs to be paid by either or any of the Parties to the other or others, as the Court shall think fit; and the said Court is hereby further authorized to issue a Writ or Writs of Execution directed to the Serjeant of the said Court, commanding him to seize and deliver the Possession of Houses, Lands, or other Things recovered in or by such Judgment, or to levy any Sum of Money which shall be recovered, or any Costs which shall be so awarded, as the Case may require, by seizing and selling so much of the Houses, Lands, or other Effects, Real and Personal, of the Party against whom such Writs shall be awarded, as will be sufficient to answer and satisfy the said Judgment, and in Default of Effects sufficient to satisfy the said Judgment, to take and imprison the Body of such Party until he shall satisfy the same, or such Part thereof as shall remain unsatisfied for Default of Effects: And in case the Party so summoned shall not appear upon the Return of such Summons, according to the Exigence of the same, the said Court is hereby authorized to award and issue a Writ or Warrant, directed to the said Serjeant, commanding him to seize the Body of the said Party making Default, and to have his Body at a certain Time and Place before the said Court, to answer the said Arzee, Bill, or Complaint; and in case of such Arrest, the said Court is hereby authorized to let such Defendant or Defendants out to Bail, on giving sufficient Security, which the said Court is hereby authorized to take, to abide and perform the final Order and Judgment of the said Court, or such final Order and Judgment as shall and may be given upon any Appeal to be brought in the said Cause, or to surrender himself to the said Court, to be charged in Execution till the said Judgment shall be satisfied; and in Default of such Bail, or giving such Security, to deliver such Defendant or Defendants in Custody until he or they shall have found such Bail, or given such Security, or shall have Judgment or Sentence given for him or them in such Cause: But if the Cause of Action contained in such Arzee, Bill, or Complaint, shall be Personal, and of more Value than



## A P P E N D I X, N<sup>o</sup> 13.

One hundred Current Rupees, and the Plaintiff by Affidavit in Writing, which Affidavit is hereby required to be filed of Record in the said Court, satisfy the said Court that the Defendant is truly and justly indebted to him in a greater Sum than One hundred Current Rupees, or shall, by like Affidavit to be filed as aforesaid, verify, to the Satisfaction of the said Court, a Case of such enormous Personal Wrong, as in the Judgment of the said Court shall require such Security, the said Court is hereby authorized to award and issue, in lieu of the Summons aforesaid, a Writ or Warrant, to be directed to the said Serjeant, commanding him to arrest and seize the Body of such Defendant, and to have his Body at a certain Time and Place before the said Court, to answer to the said Arzee, Bill, or Complaint; and on the said Arrest, the said Court is hereby authorized to let out such Defendant or Defendants to Bail on the like Security, or in Default of such Bail or Security, to detain in like Manner, and for the same Time and Purposes, as Defendants are directed to be detained who shall not have appeared on the Summons as aforesaid; and if the Serjeant shall return, either to the Summons or Capias, that the Defendant is not to be found within the Jurisdiction of the said Court, and the Plaintiff shall, by Affidavit or otherwise, make Proof, verifying his Demand, the said Court is hereby authorized to award a Writ of Sequestration, directed to the said Serjeant, commanding him to seize and sequester the Houses, Lands, Goods, and Effects of such Defendant, as the said Court shall judge reasonable and adequate to the Cause of Action so verified, and the same to detain until such Defendant shall appear, and shall abide by such Order of the said Court, as if he had appeared on the former Process; and the said Court is hereby authorized, according to their Discretion, to cause the said Goods to be detained in Specie, or to be sold, and to give Day to such Defendant by Proclamation in open Court, from Time to Time, not exceeding Two Years in the Whole; and if such Defendant shall not appear on the last Day, which the said Court shall, according to the Circumstances of the Case, think proper to give, the said Court is hereby authorized to proceed, ex parte, to hear, examine, and determine the Arzee, Bill, or Complaint, and give such Judgment thereon, and award such Costs as aforesaid; and if Judgment shall in such Case pass for the Plaintiff, the said Court is hereby authorized to award and issue a Writ to the said Serjeant, commanding him to sell the said Houses, Lands, Goods, and Effects so seized and sequestered, and to make Satisfaction out of the Produce thereof to the Plaintiff for the Duty so recovered, and his Costs, and to return the Overplus, if any there be, after satisfying the said Judgment, Costs, and Expences of Sequestration, to such Person in whose Possession the said Effects were seized, or otherwise to recover them for the Defendant, as Occasion shall require; and if such Effects shall not be sufficient to produce the Sum so to be recovered, and Costs, the said Court is hereby further authorized and empowered to award and issue such Process of Execution for the Deficiency, as is before provided for levying Money recovered by Judgment and Costs: And if Judgment shall pass in this last-mentioned Case for the Defendant, the said Court is hereby authorized to award or order the Costs of the said Suit, and the Expence of the said Sequestration, and all the Damage occasioned thereby, to be paid by the said Plaintiff to the Defendant, or his known Vackeel or Agent, or the Person in whose Possession the said Effects were seized, as the Court shall deem beneficial to the said Defendant, and the same shall be levied by such Process as is hereinbefore provided for levying Costs. And it is hereby ordered and commanded, That the Provincial Dewan, Canongoes, Moulavies, and Pundits, of each Province respectively, whenever they shall be so required, do personally attend at every Meeting and Assembly of the said Courts of the Provincial Council, at all Times when any judicial Business shall be transacted in the said Courts respectively, and shall answer and resolve in Writing, with their Names respectively signed thereto, all such Questions as shall be put to them by the Courts to which they shall belong; and all Questions so proposed, together with the Answers delivered by them, shall be filed and recorded in the said Court respectively on a separate File, to be there kept for that Purpose by the proper Officer of the Court. And it is hereby further ordered, That every Arzee, Bill, or Complaint, which shall be preferred to the Courts of Provincial Council respectively, and the Proceedings thereon, together with the several and respective Dates when such Arzee, Bill, or Complaint was preferred and proceeded on, be fairly entered of Record on their ordinary Consultations, at the Time and in the Order in which the Business shall be transacted, and such Entry of Judicial Proceeding shall be, and shall be considered, a Record of the Court. And it is hereby further Enacted by the Authority aforesaid, That in all Cases whatsoever wherein any Difference of Opinion shall arise in the said Courts of Provincial Council, between the President and Council, or in the Absence of the President, between the Counsellors, and they should happen to be equally divided, then and in every such Case the President, or in his Absence the Senior Counsellor present, shall have a Double or Casting Voice, and such President or Senior Counsellor, together with the other Members concurring in Opinion with him, shall be deemed a Majority of the President and Council. And be it further Enacted by the Authority aforesaid, That within the Divisions aforesaid respectively, there shall be, and there is hereby erected and established, One other Court of Record; which said several Courts respectively shall be, and shall be called, The Adawlut Dewanny Zellajaut of Calcutta, The Adawlut Dewanny Zellajaut of Moorshedabad, The Adawlut Dewanny Zellajaut of Burdwan, The Adawlut Dewanny Zellajaut of Dacca, The Adawlut Dewanny Zellajaut of Dinagepore, The Adawlut Dewanny Zellajaut of Patna, The Adawlut Dewanny Zellajaut of Chittagong; and which said Courts shall severally and respectively consist of One Judge, who shall be chosen and appointed by the Governor General and Council, or the Majority of them, or in the Absence of the Governor General by the Majority of the Counsellors, out of the Senior Servants of the said Company, the most versant in the Language, Laws, and Usages of the Country; which said Judge shall be called, The Judge of the Adawlut Dewanny Zellajaut of Calcutta, The Judge of the Adawlut Dewanny



## A P P E N D I X, N<sup>o</sup> 13.

Dewanny Zellajaut of Moorshedabad, The Judge of the Adawlut Dewanny Zellajaut of Burdwan, The Judge of the Adawlut Dewanny Zellajaut of Dacca, The Judge of the Adawlut Dewanny Zellajaut of Dinagepore, The Judge of the Adawlut Dewanny Zellajaut of Patna, and The Judge of the Adawlut Dewanny Zellajaut of Chittagong; and shall remain in the same until he shall resign, or shall for just Cause be amoved from the same by Sentence passed in the Supreme Court of Judicature, &c. and in case of Death, Resignation, or Amotion of any Judge of any Court of Adawlut Dewanny Zellajaut, the Governor General and Council, or the Majority of them, or in the Absence of the Governor General the Majority of the Counsellors, shall from Time to Time nominate and appoint another of the Senior Servants of the said Company, qualified as aforesaid, in the Stead of him so dying, resigning, or being amoved, to continue in such Office until he shall resign or be amoved as aforesaid: And it is hereby required and commanded, that the said Judge so appointed, shall set and hold a Court for the Dispatch of the Business of the Suitors of such Court, at a Place to be by him appointed within the principal City or Town of the Division to which such Court shall appertain or belong, Five Days in every Week, or oftener if the Business of the Court shall require; and the said Courts of Adawlut Dewanny Zellajaut shall have, and are hereby declared to have, full Power, Jurisdiction, and Authority, to hear, examine, try, and determine, in like Manner as the Courts of Provincial Council are hereby before directed, all Suits, Actions, and Complaints which have arisen, or which shall or may arise, happen, and be brought or promoted, upon or concerning any Trespasses or Injuries, of what Nature or Kind soever, or any Rents, Debts, Duties, Demands, or Interests, or Concerns of what Nature or Kind soever, or any Rights, Titles, Claims, or Demands, of, in, or to any Houses, Lands, or other Things, Real or Personal, within the Divisions of Moorshedabad, Burdwan, Dacca, Dinagepore, Patna, and Chittagong, to which the said Courts of Adawlut Dewanny Zellajaut shall respectively appertain and belong, or touching the Possession, or any Interest or Lien in or upon the same, and all Pleas, real, personal, or mixt, the Causes of which shall or may hereafter arise, accrue, and grow, or shall have heretofore arisen, accrued, or grown, within the said respective Divisions as aforesaid, and against any Person or Persons resident in the said respective Divisions as aforesaid, or who shall have resided therein at the Time such Cause of Action hath or shall have accrued, or who shall have any Effects or Estate, real or personal, within the same, or against the Executor and Administrator, Executors and Administrators, Representative or Representatives, Assignee or Assignees, of such Person or Persons; so that it be not lawful or competent to said Courts of Adawlut Dewanny Zellajaut, or either of them, to entertain, try, or determine any Complaint, Suit, or Action, of or concerning any Debt, Duty, Interest, or Demand whatsoever, which hath accrued or arisen, or which shall hereafter accrue or arise and become due, mediately or immediately, to the United Company of Merchants of England trading to the East Indies, or to any Person or Persons indebted to the said Company, from any Persons resident within the Division to which the said Court of Adawlut Dewanny Zellajaut shall belong, or who shall have been resident there at the Time when such Cause of Action shall have accrued; and to settle, adjust, determine, and give Judgment on all Matters of Account whatsoever which have accrued, or shall hereafter accrue, between such Persons as aforesaid, and between any Farmers or Under-farmers, Securities of Farmers or Under-farmers, or any other Agents or Officers concerned in the Collection of the Revenues of the said Company, or between any of them, or Persons indebted to them, who shall be resident, or shall have been resident when such Account accrued, within the said Division: Provided nevertheless, That nothing herein contained shall prohibit, or be construed to prohibit, the said Courts of Adawlut Dewanny Zellajaut, from hearing, trying, and finally terminating, any Arzee, Suit, or Complaint whatsoever, made by a Ryot, Householder, or Cultivator of the Ground, for any Demand or Execution of Rent made by any Officer of the Revenue, or any other Person, greater than the Rent which shall be expressed in the Potrah, by which the said Ryot, Householder, or Cultivator of the Land, shall hold his Houses and Lands; nor against any Person indebted to the said Company, or to any Debtor of the said Company, except in case of a Suit or Suits commenced by the said Company, or against such Debtor to the said Company, for the Debt due to the said Company, or the Debtor of the said Company: And it shall be lawful on any such Cause of Action as is herein declared to be competent to the Jurisdiction of the Court of Adawlut Dewanny Zellajaut, for any Person having such Cause of Action, by himself, or any other Person on his Behalf, to prefer to such Court an Arzee, Bill, or Complaint, in like Manner as is directed in Suits to be commenced in the Courts of the Provincial Council, to the Court of Adawlut Dewanny Zellajaut of the Division in which the said Cause of Action hath or shall have accrued; and the said Court of Adawlut Dewanny Zellajaut is hereby authorized and empowered to proceed in like Manner thereon, and issue and award to the Serjeant of such Court of Adawlut Dewanny Zellajaut all such Summons and Process, as well to the Parties as the Witnesses, and in like Manner to enforce the same, and to allow such Expences to, and to proceed against Witnesses in like Manner, and to tender and examine on such Oaths, both Plaintiffs, Defendants, and Witnesses, and to take such Bail and Securities for the like Purposes, and to award and issue such Writs of Sequestration and Execution, and order such Sale, and give such Judgment, and award Costs, in like Manner, and to do every other Act and Thing, which the said Courts of the Provincial Council are hereby authorized and empowered to do. And it is hereby ordered and commanded, That the Provincial Dewan, Canongoes, Moulavies, and Pundits of each Province respectively, whenever they shall be so required, do personally attend at every Meeting and Assembly of the said Courts of the Adawlut Dewanny Zellajaut, at all Times when any judicial Business shall be transacted in the said Courts respectively, and shall answer and resolve in Writing, with their  
Names

## A P P E N D I X, N° 13, 14.

Names respectively signed thereto, all such Questions as shall be put to them by the Courts to which they shall belong; and all Questions so proposed, together with the Answers delivered by them, shall be filed and recorded in the said Courts respectively, on a separate File to be there kept for that Purpose by the proper Officer of the Court. And it is hereby ordered and required, That every Arzee, Bill, or Complaint preferred to the said Courts of Adawlut Dewanny Zellajaut respectively, with every Proceeding thereon, be, together with the several and respective Dates when such Arzee, Bill, or Complaint was preferred and proceeded on, fairly entered in a Book to be kept for that Purpose, of Record, in the Order and in the Course in which the Business shall be transacted. And it is hereby directed and required, That the said Courts of Adawlut Dewanny Zellajaut respectively, do make or cause to be made, on or before the 5th Day of every Month, a fair Copy of their respective Proceedings, together with a Docquet or Abstract thereof, containing the Names of the Parties, the Cause of Action, and expressing for whom the Judgment or Decree shall have been given; and transmit the said Copy to the Prothonotary of the Supreme Court of Judicature at Fort William in Bengal, for the Inspection of the said Court, and afterwards to be kept among the Records of the said Court, and do at the same Time transmit the said Abstract to the Court of Sudder Dewanny Adawlut, there to be kept among the Records of that Court.

## A P P E N D I X, N° 14.

PLAN and Letter of Mr. Francis, respecting the Collection of the Revenues, the Administration of Justice, and the Rights of the Zemindars or Landholders.

Fort William, 22d January 1776.

1. **T**HE Company, I believe, had conceived an early but erroneous Opinion, that by the Constitution of the Mogul Empire, the governing Power was Proprietor of the Soil\*; consequently, that in the Management of their Territorial Acquisitions, they ought not to content themselves with a fixed Tribute as Government, since they had a Right to engross the entire Produce as Landlord. On this Principle, which, if true, would not in Prudence have warranted the Practice deduced from it, it has never yet been thought necessary to limit the annual Demand on the Country to any fixed Sum, once for all. The general Tendency of the Company's Instructions, and of course the professed Object of every Settlement here since our Acquisition of the Dewanny, has been to raise the greatest possible Revenue from the Country. The leading Members of each different Administration, in Conformity to the Views and Expectations of their Superiors, seem to have rested their chief Merit with the Company on their Success in the Pursuit of this Object, but to have limited their Views to the probable Period of their respective Continuance in Office. A temporary System provides for immediate Exigencies only. It was not considered, nor was it a Consideration likely to be regarded by a fluctuating Government, that swelling the Rent Roll, if not directed by a perfect Knowledge of the Resources, and a due Attention to the Circumstances of the Country, must be followed by a general Strain in the Collections: That such a Strain must be attended by a future Diminution of Revenue, was too obvious not to be foreseen; but the Effect succeeded the Cause much sooner than was expected; every Government endeavoured to make good its Promise to the Company, but having engaged for more than they could perform, they distressed and racked the People without accomplishing their Purpose. The Truth is, that a nominal Increase in the Jumma has usually, if not constantly, been attended by a real Decrease in the Collections. By exacting from the Landholder a greater Return than it is possible for him to pay, he is furnished with Pretences for paying less than he ought; or, supposing the nominal Revenue to be realized for a few Years, yet, if it exceeds that Proportion of the Produce which

\* Note—The inheritable Quality of the Lands is alone sufficient to prove that they are the Property of the Zemindars. The Right of the Sovereign is founded on Conquest, by which he succeeds to the State of the conquered Prince. When the Moguls conquered Bengal, there is no Mention in any historical Account that they dispossessed the Zemindars of their Lands; though it is frequently related, that where they came in to the Conqueror, and submitted to his Government, they were received with Marks of Honour, and that Means were used to gain and secure their Attachment.

Only Two Motives could have induced the Conqueror to such an Act of Violence as changing the Property of the Lands; Favour, or Money: In the First Case, his Followers and the Companions of his Victory would have been most likely to obtain Possession of the Lands, some Traces of whose Descendants would be found at present: If Money had been his Object, the Mussulmen Historians would have made mention of the Sums so acquired, as they carefully and pompously mention the Value of all Acquisitions made by their Kings or Generals. It is true, the Forms of their Royal Sannuds or Grants to the Zemindars, suppose them to hold of the Sovereign *in Capite*; but this I consider as a Kind of feudal Fiction, of which the Sovereign in fact never pretended to avail himself, as constituting a Right to resume or transfer the Possession. When he grants Jacquiers, or Lands for religious Purposes, his Order is addressed to the Zemindars, Chowdries, and Talookdars; the Land continues to be deemed a Part of the Zemindarry, the Sovereign only grants the Rents of it: The Grantee or Jagheerda, never calls it his Zemindarry or Talookdarry.

In Addition to these Proofs, it is material to observe, that the late Administration, who dispossessed most of the Zemindars of the Management of the Lands, constantly describe them as the *hereditary Proprietors*; and upon this Principle allowed them a Pension or Tythe of the gross Produce for their Support.

Government should demand from the Land, the Excess can only be made good by invading the Sources of future Revenue. I am convinced it will be found, that for some Years past the Government of this Country has been living upon its Capital; that is, they have annually taken a Portion of the existing Wealth, which ought to have been reserved for future Production.

2. Whether it be owing to excessive Impositions, or to an unequal Distribution, or to an injudicious Mode of Collection, or to the united Operation of these Causes, it is notorious that the Country is impoverished, and in a great Degree depopulated; yet, with every auxiliary Expedient that could be devised, or with every Exertion of Rigour that could be enforced by Government, there is not a single Year in which the actual Collections have not fallen considerably short of the Settlement. In those Districts where they have been tolerably kept up, we may observe a constant Ostentation of extraordinary Merit on the Part of the Collectors, to which they could have no Pretence, if the Service they are employed in were not really attended with extraordinary Difficulties. In every other Country, the Collection of a Land Tax is one of the simplest and easiest Operations of Government.

3. From the constant Failure in the estimated Produce of the Lands, it is apparent that there must be some gross Fallacy in the System hitherto pursued, since it is not even calculated to answer a temporary Purpose. The permanent Welfare of the People, the moderate but lasting Advantages which the governing Power might continue to derive from that Source, and the future Security of the Acquisition itself, though often inculcated by the Court of Directors, do not seem, at least for some Years past, to have been the direct Object of the Policy of this Government; nor was it possible they should be so, when instant Profit, without Regard to immediate or distant Consequences, was the general Principle of Action. If any Conclusion may be drawn from Facts to Principles, the Company's Servants must be supposed to have considered Bengal as an Estate to which the Company had no good Title; which they had no Hopes of possessing long; and which it was their Interest to exhaust and make the most of while they had it in their Power. I speak of Public Measures only. On what other Principle can we understand the Committee of Circuit to have proceeded? From the Year 1768 to 1771, the Letters from Bengal were filled with the most urgent and alarming Representations of the Decay of Trade and Circulation, the Depopulation produced by the Famine, and the general Decline of the Country; yet in the Year 1772, the Committee made a Settlement for the Dewanny Lands, which promised a higher Revenue, upon the Whole, than they had ever paid in any Period of the Government. The Balances have increased in a much higher Proportion than the promised Improvement. Personal Censure is not my Object. I mean to expose false Principles both of Policy and Oeconomy, in order to discover and establish true ones.

4. The Period at which a new Settlement must be made is approaching. Seeing, as I do, the general Decline of the Country in its Population, Trade, Manufactures, and Cultivation, I cannot content myself with proposing a temporary Plan for the Service of a Year or Two, or barely accommodated to the Duration of the present Administration. It is *our* Duty, perhaps more than that of any of our Predecessors, to look forward to a *remote* Period; to establish some general and permanent System of Policy for the internal Government of the Country, and not to aim at purchasing immediate Advantages inconsistent with the Permanency of our Dominion, or at the Hazard of rendering it hereafter an useless or burthensome Acquisition to the Mother Country. Such a System will equally provide for the immediate Relief and future Prosperity of the Natives. They have a Claim to our Care and Protection, which true Self Wisdom will not reject.

5. It does not appear to me, that the First Question respecting this great acquired Dominion, which ought to have preceded all others, has yet been determined; viz. "On what political Principle it may be held by Great Britain (whether through the Medium of the India Company or otherwise) with the greatest possible Advantage, and best Security of Continuance." Right, Fact, and Form are so manifestly at Variance, and are still so strangely confounded in almost every Operation of Government, that it is now a Doubt whether the Subahdar, in whose Name some Branches of the executive Power are still administered, represents the Sovereign of the Provinces; or even whether any Sovereign Power has any Existence in the Country. The Company's Right, as Duan, to collect the Revenues, and to insist on the Payment of Duties (from which they tell us they cannot recede) is founded on a Grant from the Emperor. They coin Money in *his* Name, while they make War and Peace in their own. At the same Time we have a Supreme Court of Judicature resident at Calcutta, whose Writs run through every Part of the Three Provinces in *His Majesty's* Name, indiscriminately addressed to British Subjects, who are bound by their Allegiance, or to the Natives, over whom no Right of Sovereignty on the Part of the King of Great Britain has yet been claimed or declared.

6. While these Contradictions are permitted to subsist, the actual Government of the Provinces must continue to be an arbitrary Succession of Acts of Power without Right, flowing from different Sources, and excluding every Idea of Unity, Regularity, or System. It would be absurd to propose a Plan for the internal Settlement of the Country, without taking it for granted, in the first Instance, that ere long it will be determined, whether the Natives of Bengal are to acknowledge one Sovereign, and be subject to one Government, or whether they are to be left in their present State, divided between their native Prince, claiming the Rights of Subahdar, whose Government, the Company tell us, "they are engaged by solemn Stipulation to support;" the Emperor, whose Rights as Lord Paramount, inherent in the Constitution of the Empire, have been for a Number of Years acknowledged by the Company; the Presidency of Fort William, who hold the Sword by Agreement with the Nabob, as they do the Purse by Grant from the Emperor; and lastly, a Court of

## A P P E N D I X, N<sup>o</sup> 14.

of Judicature, exercising an unlimited Jurisdiction through the Provinces, in the Name of the King of Great Britain. The Decision of this great Question must originate at Home. I do not presume to offer an Opinion on a Subject so much above me.

7. For the Purpose of forming an internal Settlement, it is sufficient to suppose, that the undivided Sovereignty shall be assumed and declared by His Majesty, whether directly and to all Intents, or with a Reserve of the actual Government of the Company; and that at all Events, Bengal is to be held as a Province of Great Britain. This I consider as a Fundamental Principle, without which no Measures taken here can be regular, systematical, or secure. The Sovereignty once declared, the subsequent Question, viz. "In what Manner it may be most expedient to exercise it for the permanent Benefit of the governing Power," will be relieved of a great Part of the Difficulty which now attends it. The Determination of it requiring local Knowledge and Observation, should therefore originate on this Side. In offering my Opinion on this Second Question I am acting strictly in my Station, though perhaps with a Degree of Judgment and Ability very unequal to the Occasion.

8. If this great Territorial Dominion had been but newly acquired, or if it were still open to the governing Power to adopt a new System of Measures without Reference to Measures already taken, my Opinion would be comprized in a very narrow Compass. Conforming to the Simplicity of Eastern Manners, and to the summary and simple Principles of Asiatic Policy, I should not hesitate to affirm, that the internal Administration should be committed to one or more considerable Moormen; that Moormen chiefly should be employed in the Offices of Government; that the Cultivation of the Soil should be left with the Gentoos, whose Property it is, and the Revenue fixed for ever; that the Zemindars or principal Landholders should be answerable for the internal Peace and good Order of their respective Districts; that the Weight of the fixed Rents should be heaviest towards the Centre, and lighten gradually as they approached the Extremities of the Provinces; that the East India Company, in their mercantile Capacity, should go to Market for their Investment with no other Influence or Advantage than that which the superior Weight of their Purse would naturally give them; that the governing Power should stand Paramount, and hold the Sword over the rest, watching the Administration of every subordinate Department, contented with a gross but moderate Tribute, proportioned to their necessary Expence, and guarding the Country from being ruined in Detail by Europeans. On these Terms, the Natives should be left undisturbed in the full Enjoyment of their own Laws, Customs, Prejudices, and Religion. On these Terms, they would as readily submit to our Dominion as to any other, nor could it ever be lost but by foreign Conquest.

9. The Moderation of the Tribute imposed by all the Mahomedan Conquerors, and the Simplicity of their Method of collecting it, accounts for the surprizing Facility with which they retained Possession of their Conquests. The Form of their Government was despotic, but in fact it was not oppressive to the Mass of the conquered People. In general, they introduced no Change but in the Army and in the Name of the Sovereign. With Respect to the Collection of the Revenues, the System of the present Government is upon Principle directly the Reverse of what it ought to be, and I believe, such as never was adopted by any other Government. Instead of leaving the Management to the natural Proprietors of the Lands, and demanding from *them* a fixed Portion of the Produce, we take the Management upon ourselves, and pay *them* a Tribute: Government stands in the Place of the Zemindar, and allows him a Pension.

10. Before these Provinces are reduced too low to bear the Operation of any vigorous Measure, it will deserve to be considered, whether a great acquired Dominion can be retained on any other Principle, particularly if situated at an immense Distance from the Seat of Empire? and although it may be doubted whether, in the present Circumstances of the Country, the Government of it can be completely established, even by the Power of Parliament, on this simple Principle, it cannot be useless to keep the Model in View, and endeavour to approach to it, as near as we are able; in forming a new Settlement for the present, until a definitive Arrangement shall be determined at Home, or until some Person equal to the Trust shall be invested with Power to restore the ancient Constitution of the Country, or to give it a new one.

11. It cannot be disputed, that Bengal was in a much more flourishing State during the last Century than it ever has been under the English Establishment; in forming Considerations therefore for a future Settlement, if the Prosperity of the Country be the Medium through which we wish to make the Possession of it beneficial, we should endeavour to trace the ancient Policy of its Government, and the Methods formerly used in collecting the Revenues; to discover whether the same Principles have been adhered to, or how, or at what Time, Alterations have taken place, and whether such Alterations have been disadvantageous or beneficial to the Country.

12. The following State of Facts is collected from the Records of the Khassa, and from the Information of some of the oldest Servants in the Revenue Offices, supported by authentic Documents. By comparing them with the present State and Management of the Revenues, we may be enabled to ascertain and establish some safe and simple Institutions for a new System of Administration. Bengal was subdued to the Government of the present Mogul Family in the Reign of Akbar, about 1573. The Principle on which he secured his Conquest was to conciliate the Minds of the native Hindoos, and to unite them as much as possible to his Person and Government; some he employed in the highest Offices of the State; with others he connected himself *and his Family by Marriage* \*.

\* Note—"The principal Family of the Rajepout Rajahs still claim a Right of marrying one of their Daughters to the reigning Emperor."

# A P P E N D I X, N° 14.

To this Policy the Natives ascribe the good Order of Akbar's Government,\* and the Regard shewn in the subsequent Settlement of the Revenues to the Right of the Zemindars, the ancient Proprietors of the Soil.

13. Rajah *Toorell Mull* (called by Colonel Dow, *Joder Mull*) a famous Financier, formed the Jumma bundy, or Establishment of Rent, for all Hindostan, and was employed for this Purpose during Two or Three Years in Bengal. It appears that the Principle of his Settlement was, to leave the Lands to their Proprietors, and to establish a moderate permanent Jumma, or *Quit Rent*, to be paid by each of them to Government. The Revenue payable from the whole Soubah, appears by the Ayen Akberry (or Constitutions of the Empire under Akbar) to have been One Crore Forty-nine Lacks Sixty-one thousand Four hundred and Eighty-two Rupees Fifteen Annos and Two Pice; which, as it appears from the Records of the Khalsa, differs but little from the Jumma under Shujah Cawn's Government in 1728†. The Amount of this Assessment is almost a Crore of Rupees less than the same Lands were rated at in the late Settlement for the Year ending in April 1775; and proves that it was not the Policy of the Mogul Government to engross the Produce of the Lands as Proprietors, but that they left a sufficient Proportion to the Zemindars to render their Estates valuable to them, after paying the fixed Land Tax to the Sovereign, and to enable them to perform the several Duties annexed to their Rank and Station.

14. A Roll, or Record, was formed of this Jumma, which in Persian is called *Tumar*; from whence the Settlement of Toorell Mull is called the *Tumar Jumma*, or Rent of the Roll; and *Awsfil*, or Original Jumma, with Reference to all subsequent Alterations and Additions.

15. A *Tukseem*, or Division Account of the whole Subah, was formed at the same Time, shewing the constituent Parts of each Zemindarry, such as Pergunnahs, Villages, &c. with the Proportion of the general Quit Rent payable by each. The Hereditary Office of the Canongoes was established to keep the Accounts of the *Tumar* and *Tukseem*. The Authority of these Records is still known and respected. In all Sales and Transfers of Property among the Zemindars, the new Sunnuds are taken out on the *Tumar Jumma*. The Jaquies of the Royal Officers, or *Munjubdars*, were always granted as Portions of this Jumma. The *Refsum*, or Fees of the Canongoes, are still calculated from thence; and the *Tukseem* is referred to, even at the present Time, to decide Claims or Disputes regarding the Limits of Landed Property. The several Royal Officers appointed for the Government of the Country and Collection of the Revenue, will appear in the annexed Paper.

16. The Mode of Collection is well ascertained; the Zemindars paid the Rents themselves for the most Part at the Treasury. When Collectors were sent on the Part of Government, it was not to dispossess them of the Management of their Lands, or to discover the Amount of their Profits as Proprietors, with a View of bringing those Profits to the Credit of Government. When such Officers were sent, it was in consequence of some Fault in the Zemindar, or Failure in his Rents, to levy the Dues of Government by Distress, or temporary Attachment of the Lands. Hence they were called *Sezawuls*, literally *Punishers*.

17. It is not ascertained whether the Zemindars were required by Government to give *Pottahs*, or Leases, to the Ryots when the Quit Rent was established, or whether they gave them of their own Accord; but it is a Fact, that in all the Pottahs which the Ryots either hold or take out to this Day, the first Thing specified is the *Awsfil*, or original Ground Rent, considered as their Proportion of the ancient *Tukseem*, or Division of the *Tumar Jumma*; and upon this all other Taxes and Impositions are calculated, as will be seen in the Translation of some Ryots Accounts annexed. These Taxes, when permanent, are called *Aboab*; when occasional, *Mulboote*. Few of the Pottahs specify any Term of Lease. The Ryot claims a Right of Occupancy in the Ground he tills; and cannot by the Custom of the Country be dispossessed while he pays his Proportion of the general Rent.

18. On these simple Principles the first Settlement appears to have been made; and the Records of the Khalsa shew that no material Deviation from them took place as long as the Emperors preserved their Authority in Bengal, or till the Conclusion of Sujah Cawn's Government, about the Year 1739 or 1740. This Observation is proved by the Account N° 2, which is a Translation of the Abittract of an authenticated Account of the *Tumar Jumma* for the Bengal Year 1135, or 1728, in Sujah Cawn's Time, on which the Collections were then made: The Sum Total of this Rent Roll is One Crore Forty-two Lacks Forty-five thousand Five hundred and Sixty-two Rupees, and is rather less than the Jumma established under Akbar ‡.

† Note—"Mr. Frazer, in his History of Nadir Shaw, computes the Revenue of Bengal at Fifty Crore of Dams, in the Reign of Aurengzebe, R<sup>y</sup> 1,25,00,000."

‡ Note—It may be useful in this Place to state the Succession of the Subadars, from the Appointment of Suja Cawn, who succeeded Jaffier Cawn as Nazim from Delhi in 1726.  
His Son Sirferauz Cawn succeeded him in the Year 1739;  
but was deposed by Aliverdy Cawn in 1741.  
Seraji ul Dowla succeeded his Great Uncle, Aliverdy Cawn, in the Year 1755,  
and was deposed in 1757-8.  
After him Meer Jaffier held the Subadarry till 1760-1;  
When he was deposed, and succeeded by Colim Ally Cawn; who was himself deposed in 1763,  
and Meer Jaffier restored.  
The Company took Possession of the Dewanny in October 1765.



## A P P E N D I X, N° 14.

19. It is reasonable to suppose that the Soubahdar did at particular Times, and during Convulsions of the Government, extort more Money from the Zemindars than their established Quit-Rents ! But this was either a temporary Act of Violence, or occasional Sums were obtained by Way of *Nuzzeranna*, or Free-Gift, and not by an Increase of the Jumma ; to preserve which at its ancient Rate, was long considered by every Zemindar as the most sacred Part of his Tenure. Even at this Day the Principle of preserving the Jumma invariable subsists, though the Utility of it to the Zemindar has been destroyed by subsequent Changes.

20. Serferauz Cawn, the Son and Successor of Sujah Cawn, was soon cut off by Aliverdy Cawn, whose Government is considered as an Usurpation from the Empire, and is the first Period when considerable Infringements appear to have been made on the ancient Establishments. The Wealth of the Zemindars in his Time may be judged of by their having assisted him, during his Wars with the Marattas, with Free-Gifts to the Amount of a Crore and a Half of Rupees \* ; and there are People now living who remember the Zemindars coming to the Poonah with the State of Omrahs.

21. The Institution of this Assembly, or Festival, called *The Poonah*, seems to me to be misfunderstood. It was not a mere Collection of Farmers called together to pay their Balances, or to settle their Rent for the ensuing Year ; in this Respect little or no Alteration was ever made ; and supposing their Rents to have been already in Arrear, it would have been more prudent to collect the Balances on the Spot, than to put the Farmers to the extraordinary Expence of a Journey to the Capital. The Attendance at the *Poonah* was rather an Annual Homage which the Rajahs and Zemindars were obliged to pay in Person to the Prince at Muxadavad ; as, on the other Hand, the Kellaat was an Annual Investiture or Confirmation of their respective Rights ; it was a Mark of Honour at least, the giving or withholding of which was then an Instrument of real Reward or Punishment in the Hand of the Prince. It would not be so at present, because the Zemindars are for the most Part reduced too low to be influenced by Motives of Honour or Disgrace. On the whole, the Ceremony of the *Poonah* had much more the Appearance of a liege Lord and his Vassals than of a Landlord and his Tenants.

22. In Aliverdy Cawn's Time, and during that of his Successor, Serajah ul Dowlah, the First considerable *Aboabs*, or permanent Taxes, were added to the Jumma, thereby swelling the Rent Roll and increasing the Ground Rents ; for as these were assessed on the Zemindars, they collected them again from their Tenants, and usually levied more on that Pretence. By these Means every occasional Tax became permanent and universal, and a Cause of Grievances much greater than any Benefit the Government derived from them.

23. The Account, N° 5, points out the State of the Jumma of that Part of Bengal now called the Dewanny Lands ; distinguishing, First, the *Awful*, or original Quit Rent, as it stood in Sujah Cawn's Time, with the Appropriations of it ; Secondly, the several *Aboabs*, or Additions made to it by Aliverdy Cawn and Serajah ul Dowlah ; Thirdly, the Article of *Kisfyer*, or Profit, for which the Country is partly indebted to Aliverdy Cawn, but chiefly to Cossim Ally. This arises from the Difference between the ancient Jumma and collecting on the *Hustabood*, or actual Valuation of the District.

24. Cossim Ally's Government is universally allowed by the Natives to be the Period when the ancient Establishments and the Rights and Property of the Zemindars were first shaken, and in a great Degree overthrown. He is esteemed an able Accountant, and to have considerable Knowledge in the Detail of the Collections. But it required no great Extent of Information to know, that more Money might be drawn from the Country, for a few Years at least, by collecting the whole Produce by his own Officers, than by continuing to receive the established Rents from the Zemindars. His Principle is said to have been, that whatever the Ryots paid should be the Property of Government ; thereby totally excluding the Zemindars. His Officers acted accordingly. Their Fear of him was so great, both from his Skill in Accounts and the Rigour of his Government, that his Orders were punctually obeyed ; so that, partly from the direct Produce of the Lands, and partly by Fines and Confiscations, it is believed that for Two Years he drew almost double the ancient Revenue from the Country. His short Administration may rather be deemed a regular Pillage than a System of Government †. He ruined almost all the wealthy Families in the Country, massacred great Numbers, particularly such as had any Talent or Reputation in Business ; and,

\* Note—" It is a well known Story, that Aliverdy Cawn sent for Rajah Ramnaut, Father of the present Rajah of Dinagepore, and told him that the Distresses of his Government made it necessary to apply to him for Assistance. The Rajah asked him what Sum he wanted ? and the Nabob fixed his Demand at Twelve Lacks of Rupees. This Sum the Rajah gave him an Order for upon the Spot, payable by the *Seets*. A Petition was lately presented against the present Rajah (his Son) setting forth that he had not paid for the Victuals supplied to himself and his Family at the City Three or Four Years ago ; which was found to be true."

† Note—Some of the principal Persons murdered by Cossim Ally :

The Roy Royan Omeide Roy, a famous Muttasuddie ; his Son Roy Munny Loll, Dewan of Meer Jaffier ; Rajah Seetaram, a Muttasuddie ; Raja Rajabullub, Naib of Patna, and his Son ; Two Brothers, Heads of the Seet Family, by Name Rajah Mahteb Roy, and Rajah Seroop Chund ; Moonishy Abdalla, Vackeel of the *Seets* ; Maharaja Ramnarain, Naib of Patna ; Goorghun Cawn, Brother of Coja Petrusé ; Marcot, an Armenian ; Hurfs Chowdry, Darogo of the Pachou-terrah ; Rajah Modarry Loll, plundered only.



to conclude the Scene, carried off an immense Treasure with him, when driven out of the Country.

25. The Interval between the Expulsion of Cossim Ally and our Acquisition of the Dewanny was very short. It may not be improper to consider the State of the Country at that Period, and the Disadvantages which unavoidably followed from its passing under a Foreign Government.

26. It must be evident from the preceding State of Facts, that when the Dewanny was ceded to the Company, the Country was already in a very reduced Condition. A quick Succession of Wars and Revolutions, a Foreign Influence prevailing both in Matters of Government and Commerce, the Drain of large Sums of Money carried away by Individuals, or by the Company, for the Supply of their other Settlements, had undoubtedly contributed to impoverish Bengal. The ancient Establishments were overthrown, great Numbers of the Zemindars were dispossessed and reduced to Beggary, and the greater Part of the wealthy Families and People of Reputation and Ability in Business, cut off, or brought to Ruin. In such a State of Poverty and Decay, the wisest internal Establishments and most lenient Measures seemed necessary to prevent the approaching Ruin of the Country, especially as all its commercial Resources were in future likely to be cut off. Instead of Imports of Treasure from Europe, a Tribute was actually required from hence. Large Sums in Specie were sent out. The Wealth formerly enjoyed by the Natives, and diffused by an equal and constant Circulation through the Country, was engrossed by Foreigners, who either exported it directly, or, by supplying the other European Factories, made it unnecessary even for them to import Bullion, for providing their Investments.

27. The Acquisition of the Dewanny was attended with another ruinous Consequence to the Country. In order that the East India Company might avail themselves of their increased Revenues, it was necessary their Investment should be enlarged at once from 20 or 30 to 60 and 70 Lacks of Rupees annually. This could not be suddenly done without a Monopoly of the Manufactures; nor a Monopoly supported but by numerous Servants and Agents, armed with Authority, which caused great Oppression of the Manufacturers, and has been felt, with other Causes, both in the Quality and Price of every Article to the present Time. By this Monopoly, the Indian Markets were excluded from sharing in the Produce of Bengal, and driven to establish Manufactures at Home, of Articles which they formerly received from hence; consequently Bengal was deprived of its Returns both from the Indian and European Markets, and its Resource cut off on every Side.

Vide Paper,  
N° 6.

28. In this declining State of the Country, it is self evident that even the moderate Revenue which was before collected with Ease, and left ample Sources for the Maintenance of the Landholders, must become a Rack Rent, and a grievous Oppression to the Tenants, and could not be realized without additional Taxes, Schemes, and Expedients, and the Use of rigorous Methods: Yet it was equally apparent, that the Use of such Means could not fail to depopulate the Country, diminish the Quantity of Lands in Cultivation, and annually accumulate the Burthen on the remaining Tenants, and on such Lands as might be continued in Tillage, till at length all personal Wealth being drained out of the Pockets of the People, a rapid and sensible Decline, the Forerunner of a general Stop or Bankruptcy, would be felt in every Part. An Apprehension of these Consequences, however obvious, does not appear to have influenced the Measures of any Administration since the Collection of the Revenues was obtained for the Company. Their Servants who made the Acquisition, were themselves dazzled by its Importance, and thought they could not represent it in too advantageous Terms. The succeeding Administration foresaw the Loss of their own Credit, if they suffered the Object to waste under their Care. The last and most unjustifiable Measure of all, was that which proposed a Plan to increase the Revenue while the Country was perishing, and which the Projectors of it must have left to be executed by the present Administration.

29. When the Company took Possession of the Dewanny, their Servants were unacquainted with the Constitution of the Country, the Mode of collecting the Rents, or what had been the Amount of the former Revenue. In making the First Settlement, they seem to have had no Rule in View, but providing for the Demands of Government at any Rate, and collecting as great Surplus as possible. At the same Time, or very soon after, the Necessities of the Company at Home produced constant Orders to increase the Investment almost to the Amount of the Revenue of the Dewanny Lands, and much beyond the Produce of the Manufactures.

30. That Period of Delirium, during which it was asserted by some, and believed by many, that the Resources of Bengal were inexhaustible, will long be remembered in England. It is not wonderful that the Representatives of the Company should endeavour to act up to the Promises of their Predecessors, and to the Prejudices of their Employers, and to aim at Increase of Revenue, which they saw was the only Merit considered at Home; besides that it is in the Nature of short-lived fluctuating Administrations, to provide for the Demands of the Day, without Regard to the Difficulties they entail on their Successors.

31. For the Justice of these Observations I appeal to the annexed Rent Roll, N° 5, on which the Settlement for the Dewanny Lands for 1766 was formed; that is, immediately on the Close of a Civil and Foreign War, and when Cossim Ally had stripped the Provinces of all the Wealth he had been able to collect, and carried it away with him. This Settlement appears to be nearly an Aggregate of the original *Awsil*, and all the subsequent Taxes, with a great Part of the Article of Kiffeyet, or Profit, brought on by Aliverdy Cawn, and Cossim Ally's Collections. It does not amount to the entire Aggregate of all these Articles, because several Districts had fallen short in their Hustabood,

## A P P E N D I X, N<sup>o</sup> 14.

or actual Produce, since those Collections were made; yet, whenever the Necessity of the Case required Abatements, or when Deficiencies happened from the Poverty of the Country, Increases were sought for to make up for them, ~~wherever~~ Property was supposed to exist: Upon an Average, the Revenue collected for the first Years of the Dewanny, exceeds what was ever brought to Credit in Aliverdy Cawn's Time, when the Country was in a flourishing Condition.

32. The Mode of collecting the Rents from 1766 to 1769, is of itself a strong presumptive Proof of the general Reduction of the Country. As the greater Part of the Zemindars were ruined and dispossessed of the Management of their Lands, and there were few People of Rank and Family left, or of those who had formerly held high Employments; such as there were, looked for large Profits, which the Country could not afford them and pay the Rents also: People of lower Rank were therefore of Necessity employed as *Aumils*, or Collectors, on the Part of Government. These People executed a Contract for a stipulated Sum for the District to which they were appointed, and in effect may be considered as Farmers of the Revenue. They then proceeded from the *Sudder*, or Seat of Government, to the Districts, to settle with the Zemindars and Tenants for the Revenue they had engaged to pay. If the Rents already established afforded a sufficient Produce, they had the less Occasion to lay on *Aboab*, or *Mutbote*; if not, they were compelled to have Recourse to these Expedients. As the Country became poorer, and the Lands less cultivated, Taxes of course were multiplied, to make good the Agreement with Government, until the Ryots, finding the Demands made upon them annually accumulating, sought various Expedients for procuring or extorting Abatements in the *Awsil*, or original Rent. A timid People have no Defence against Oppression but Fraud. It is now the Usage in several Districts for the Ryot to extort Abatements at the Beginning of the Year, and the Farmer to levy a *Mutbote* in lieu of it when the Harvest is upon the Ground.

33. During the first Years of the Dewanny, while upon the whole there was Produce to answer the accumulated Demands of Government, the Revenue, though not entire, came in by some Means or other; as one Place failed, Assets were found in another; Contractors on the Search for Employments, hunted out every casual Improvement of the Lands; for which, if the Incumbent was unwilling to pay an Increase to Government, they were ready to take the Trouble from him. In many Instances the State of the Lands has been misrepresented, for the mere Purpose of Employment and Possession, and Increase offered on Paper for Lands, where in fact there were no Assets to pay them; yet the Natives did not suffer so universally in the Beginning of our Government as they have done since, because many of them enjoyed Offices, the Emoluments of which they spent in the Districts, and thereby gave Bread to others. The Revenues were also supported from external Sources, such as Loans from the Shroffs to the Zemindars, and the *Aboab Pouzdarry*, or Fines in the Criminal Courts, which have been since abolished. The above Loans, contracted to pay the Demands of Government, were swept into the Treasury, and have never been repaid. This Fact shews, that even while the Rents were paid, it was not entirely from the Produce of the Lands.

34. I have heard that Mahomed Reza Cawn was sensible of the Decline of the Country, and of the fatal Consequence of keeping up the Revenues on this oppressive System; and that he frequently recommended, in his Discourses with the Members of Administration, that a more moderate Rent should be fixed, and the Country relieved. I find that Mr. Becher, when Resident at the Durbar, was sensible of the true Causes of the Decline of the Country, and represented them in his Letters to the Select Committee. He proposed a more liberal Plan for the Provision of the Investment, recommended the employing of the Zemindars, and made it his constant Argument that something should be left for the Natives. But the Resources of the Country being thought at that Time much greater than they have since proved, and a strong Prejudice operating against Mahomed Reza Cawn and his Officers, who were suspected of concealing the true Value of the Lands, and perhaps might be guilty of some Embezzlement, a general Opinion prevailed that a greater Revenue might be collected by employing Company's Servants in the Detail; that the Decline was owing solely to the Oppression of Mahomed Reza Cawn and his Officers, and not to the true Causes, a Rack Rent and general Failure in the Resources of the Country, which forced the Ministers to make use of every Expedient to answer the Expectations of the Company. This Decline being universally perceived in the Year 1768 and 69, though the Causes were not generally understood or admitted, occasioned the Appointment of the Supervisors. The declared Purpose of it was to inform the Administration of the actual Condition of the Provinces, their Trade, Mode of collecting their Rents, the Administration of Justice, and other capital Objects. From these Materials it was proposed to form a general Plan for the future Government of the Country. Supposing this to have been the Object of the Measure, and that proper Persons could have been found to carry it into Execution, the Advantages that might have been obtained from it are obvious. It was chiefly committed to young Men, with Powers, whether granted or assumed, much greater than were necessary for the Purpose of obtaining Information. Every View of this Kind, however, was laid aside when the Council of Revenue went up to the City immediately after the Conclusion of the Famine; and although that dreadful Calamity, in Addition to the other Distresses of the Country, had swept away near One-third of the Inhabitants, and the Poverty of the Natives was manifest in every Part except Calcutta, the professed Object of that Board was to procure an Increase of the Revenue, by discovering the latent Advantages still enjoyed by the Zemindars, and reducing the Allowances to the native Officers; that is, by taking away so much more of the Bread of People already reduced to palpable Misery. The Information derived from the Researches of the Supervisors was applied to this Purpose only. In some respects their Accounts contributed to promote it, as the Supervisors in general aimed

Vide Paper,  
N<sup>o</sup> 7.

aimed at procuring accurate *Ilustaboods* (Valuations of the whole Rents) which of course included the Profits of the Zemindars, Farmers, Talookdars, &c. A Knowledge of the Produce was in general followed by an Effort to sweep the Whole of it into the Treasury, with little or no Consideration of the particular State of each District, or whether the Trade and Imports of it were likely to furnish permanent Resources for such Remittances.

35. Mr. Middleton's Letter quoted in the Appendix, the Proceedings of the Board of Revenue at Moorshedabad, and the Settlement of 1178, the only one made by that Board, prove beyond Dispute that they acted on the Principles I have ascribed to them. An Increase was made of near Eleven \* Lacks of Rupees in the Dewanny Lands, although a Balance had remained of Eighteen Lacks † on the former Settlement, and the Country was but just emerged from the Miseries of the Famine. This Settlement, however, was collected with a Degree of Rigour and Exactness which called loudly, but in vain, for Mercy and Relaxation in the subsequent Assessments.

36. The professed Object of the Committee of Circuit, whose Settlement succeeded in 1179, was still Increase of Revenue. It is a singular Fact, and well worth Observation, that it was the Misery of the Country, and the general Distress of all Ranks of People, which enabled them to establish an increased and increasing Revenue for Five Years; *I mean upon Paper*. The State of the Country was then such, and there were so many People in desperate Circumstances, and out of all Employment, ready to sign any Engagements for mere present Bread, that it is no Wonder, when the Rents were put up to public Auction, if nominal Increase were obtained, and the Lands bid up beyond their real Value, for the sole Purpose of keeping or obtaining the Possession of them. Had this Settlement been collected with all the Severity which the Custom of the Country, and the Agreements of the Farmers allowed, of Necessity would have driven the Farmers to have fallen upon the Ryots with such Rigour and Distress, that a general Bankruptcy and universal Depopulation of the Districts, must have been the immediate Consequence.

37. I presume the Remissions and Balances from the Provinces since April 1772, do not amount to less than a Crore of Rupees; and it may be said, that Balances not exacted, or a moderate Rent demanded in the First Instance, are eventually an equal Relief to the Landholders; but in Effect the Difference is very great both to the Country and to Government. It would have been happy for the Country, and no Loss to Government, if the Settlement had not been made for a greater Sum than has been actually collected (though I do not say that even this is not more than the Country can support); the Landholder, whether Zemindar or Farmer, would then have foreseen the Probability of making good his Engagements, and keeping his Farm. To excite Industry there must be a Prospect of Success; but if a Balance must at any Rate be incurred, it becomes indifferent to the Landholder to what Amount he is indebted to Government, or rather it is his Interest to incur a large Balance than a small one. He collects as much as he can from the Ryot, and pays as little as he can to Government; at the worst, he can but lose his Farm, in which he has no permanent Interest, and which, when he has had it a Year or Two, is no longer worth keeping; in the mean Time, the high Rent he stands engaged for, furnishes him with Pretences of oppressing the Ryots, and for protesting against any Interposition of Government in their Favour: The Desertion of the Ryots, the Loss of Cultivation, and general Depopulation of the Country, flow directly from this Source. On the other Hand, the immediate Consequences to Government, from Taxes without Produce, are obvious: New Burthens laid on the Subject, an additional Expence of Collection, but no additional Receipts in the Treasury, and probably a real established Expence proportioned to an estimated Revenue.

38. From the preceding State of Facts collected from the Records, it appears, that the Company have levied higher Rents from this Country, whilst labouring under the greatest Disadvantages, than it ever paid to the Emperors in its most flourishing Condition, when the principal Part of the Revenues were spent within the Provinces, and the Remainder went no farther than Delhi.

39. I think it equally apparent, that under our Administration, the Desire of Increase, invariably and inflexibly pursued, is the Ruin of the Country, and ere long will be found the worst Oeconomy: Secondly, That the Mode of levying the Rents has been defective, chiefly for Want of a fixed Jumma or Quit Rent for each Zemindarry, which has rendered the Lands of no Value from their precarious Tenure, and taken away the only Incitement to improve them. The actual Employment of Farmers and Contractors, while Pensions are given to the Zemindars, has been a farther Cause of Oppression to the Ryots, and of course of Depopulation, by increasing the Number of Persons to be supported by the Farm, and throwing the Profits, if any, into the Hands of Strangers, chiefly resident at the Capital, instead of leaving them to circulate through the Zemindars to their Tenants.

\* Note, Nett Revenue for the Bengal Year 1177, — R<sup>r</sup> 1,55,52,472 5 9  
D<sup>o</sup> for D<sup>o</sup> 1178, — 1,66,38,147 12 14  
Increase for 1178, — Rup<sup>r</sup> 10,85,675 7 5

† Note, Sicca Rupees 18,38,661. 4 2. 3.  
Vide Letter from the Council of Revenue, 7th October 1771.

Signed { J. Alexander,  
J. Lawrell,  
J. Graham,  
W. Lambert.

40. Thirdly. The Country having been greatly impoverished, and much less Land cultivated than heretofore, Taxes are of course multiplied on what remains in a State of Tillage; which must enhance the Price of all Articles produced, as well Necessaries of Life as raw Materials for Manufacture. There is no other Way of accounting for a Fact which contradicts the common Principles by which the Price of Things, or the Proportion between Money and the Things it represents, is usually determined. It is notorious, that Manufactures, and all other Articles, are much dearer now than when the Country abounded in Specie. In the ordinary Course of Things the Reverse ought to be true; in Bengal it is not true, because the heavy Exactions of Government compel the Farmer to raise the Price of his Produce, and the Manufacturer of his Labour; and *their* Standard regulates the Expence of every other Rank of Life.

41. Fourthly. The Lands and their Rents being open to the Proposals of every Adventurer, and all Improvements made in them eagerly hunted after, either for the Purpose of immediate Increase, or to supply some Deficiency; it became the Interest, and as I am well assured has been the inviolable Practice of the Zemindars, to depopulate their Lands, and to lessen the Value of them to Government; since every Improvement not only subjected them to a present increased Demand, but also to have their Jumma or established Rent raised.

42. Fifthly. The Zemindars being thus made the Enemies of Government, have in general been removed from the Management of their Lands; but they have retained an Influence over the Tenants, partly by being their hereditary Masters, and partly from the Expectation which the latter entertain of falling again under their Authority. This Influence they employ to embarrass Government, by making private Collections for themselves, raising Complaints against the Farmers, and putting their Ryots to Flight during the Season of the Collections.

43. Sixthly. The same Cause which makes the Zemindars Enemies to Government while out of Employment and subsisting on their Pensions, has made them rapacious and unthrifty Farmers when they have been admitted to a *temporary* Management of their Estates; yet the Fault is not in *them*, but in Government, which, by adopting false Principles of Policy, forces its Subjects to act upon false Principles of Economy. It is unreasonable to expect that they, or any other Farmers, should hazard the immediate Loss and Expence from which alone a great future Return can be derived, without a permanent Interest and Security, and in the Face of an arbitrary Taxation, too likely to increase with the Improvement of the Estate.

44. Seventhly. The Lands being on the Whole assessed at the utmost of their Produce in the most favourable Seasons (though in some Places particular Persons may have been favoured with beneficial Leases) and all the existing Wealth drawn out of the Pockets of the People, it follows that Government must depend for its Income by the precarious Events of Season, Sale of Harvests, and good Management in the Farmers and Collectors. The Ryot having nothing, and never expecting to gain any Thing, cultivates the Soil from mere Necessity, and no more of it than will supply a bare Subsistence for himself and his Family.

45. Eighthly. I am assured that the Jumma-bundy, or Rent Account, of every individual Ryot, is so confuted by accumulated Taxes on the Part of the Farmers, and Abatements taken in the *Awful*, or original Rent, by the Ryot, that perpetual Pretences are open to each Party, for the latter to cheat, and the former to oppress. The Pottahs, or Leases, are so varied and full of Confusion, that when Complaints are made, the ablest Muttafuddy of the Khalsa cannot tell who is strictly in the Right. The Necessity of keeping up the Revenue generally obliges Government to support the Farmer.

46. If this unfavourable Representation of the actual State of Bengal be not greatly exaggerated, it must be confessed that this Government is surrounded with Difficulties, in which perhaps no future Choice of Measures may be entirely free from Objection. We see the Necessity of relieving the Country, at the same Time that we have Expences to support, which, on their present Footing, no Management can reconcile to a considerable Diminution of real Revenue; nevertheless, we are not yet, I hope, reduced to the Question, Whether we shall supply our immediate Wants by straining the last Drop from the Vitals of the People, or incur some present Inconveniences, by leaving it to generate and multiply in the Bosom of the Country? All visible and avowed Expences may still be provided for, even upon a liberal Establishment, consistently with a material Reduction in the Jumma of the Provinces, particularly of the Dewanny Lands. The Relief to the Country will be real; the Loss to Government in a great Measure only apparent.

47. The Extracts annexed to this Paper (N<sup>o</sup> 8) will shew, that this is the professed Principle of the late Administration, though they acted in direct Contradiction to it; I mean Messieurs Middleton, Vansittart, Dacres, and Barwell. The Governor General himself proposes to form a new Settlement on a Medium of the last Three Years actual Collections; and (in accounting for the extraordinary Difference between the Nett Receipts and the Settlement made by the Committee of Circuit) says, that the Company are not to judge of their Revenues by a Comparison of the Collections with the Settlement, but by a Comparison of the actual Collections with those of former Years. This, I conceive, is a direct Acknowledgment of the Impossibility of realizing the Committee's Settlement, and of the Necessity of reducing the whole Jumma of the Provinces. Both the Governor and Mr. Barwell attribute the desired Improvements not taking place to "a Circumstance which, they say, could not be foreseen, viz. the Farmers having engaged for a higher Revenue than the Districts could afford."

48. In providing a Relief to the Country, I do not speak of a temporary Remission, left open

to an arbitrary Increase of Demands on future Improvements. The *Jumma* once fixed must be a Matter of Public Record: It must be permanent and unalterable; and the People must, if possible, be convinced that it is so. This Condition must be fixed to the Lands themselves, independent of any Consideration of who may be the immediate or future Proprietors. If there be any hidden Wealth still existing, it will then be brought forth, and employed in improving the Land, because the Proprietor will be satisfied he is labouring for himself.

49. The Execution of a Plan formed on these Principles, will now undoubtedly be attended with Difficulties; but these, whatever they are, must be faced and overcome. In my Opinion, the Alternative is Ruin.

50. The following is the Plan on which I would recommend it to this Government to proceed. The whole Demand upon the Country, to commence from April 1777, should be founded on an Estimate of the permanent Services which Government must indispensably provide for, under the great Heads of Civil and Military Establishments, and Investment, with an Allowance of a reasonable Reserve for Contingencies. I know not for what just or useful Purpose any Government can demand more from its Subjects; for unless Expenses are created for the express Purpose of absorbing the Surplus, it must lie dead in the Treasury, or be embezzled. If there be not Vigour and Resolution enough to adhere to an Establishment formed on such an Estimate, no Plan of Reformation can succeed. The Faith of Government may be pledged to the Landholders, but Necessity will oblige them to break it. The Estimate (N° 9) with the Explanation annexed to it, will, I presume, be thought sufficiently liberal: For the same Services in Europe, it would be thought enormous. To this I would proportion the whole Demand upon the Provinces, and fix it for ever; including the newly-acquired Revenue of Ghazipore. But the Habits of this Government, in carrying the real Expence of the Company beyond all Bounds of Estimation, are so inveterate, that it might still be dangerous not to leave a considerable Latitude for the unavoidable Continuance of their Operation. The unappropriated Surplus which appears on the Face of the Estimate, clears all Difficulties and obviates all Objections.

51. In distributing the Assessment, let every possible Relief be given to the Dewanny Lands, which, by their distant Situation from the Seat of Government, and the present great Poverty of the Inhabitants, require it most. Let particular Regard be had to the distant Provinces, and to those which have few Resources from Commerce and Manufactures. In our present Circumstances we have no safer Rule to direct us than the actual Receipt of the Three last Years, because they best shew the actual State of the Lands; possibly the Medium of these Receipts (with some Relief where they have been too severely collected) may not be an oppressive Rent, when assessed on the Zemindars themselves, and an End is put to the intermediate Profits of the Farmers and Securities \*.

52. I do not doubt that there will be considerable Inequalities in an Assessment formed upon this Principle. But supposing the Sum Total unalterably fixed, I do not think this an Inconvenience to be regarded: It is not regarded in England, neither is it to be remedied but by the strict Execution of a Measure which I would never recommend. I mean a *Hustabood* or actual Measurement and Valuation of the whole Produce. Since we already know what the Country will pay, a *Hustabood* can only serve to alarm the Zemindars and Ryots. Many Agents must be sent into the Country to obtain such an Account, and Government must depend entirely on their Skill and Integrity for its being accurate. A *Hustabood* ought to be an actual Valuation of all the Rents drawn from the Lands; but by the Failure of some Tenants, the entire Amount of it is seldom collected: If accurate, therefore, it is too much to draw from the Districts. Hitherto, where a Discovery of the Whole possible Produce has been made, it has only served to awaken the Cupidity of Government, and to lead them into Errors in settling the Rents. The Revenue actually paid for Three Years past will be sufficient for forming the general Assessment of the Provinces. The particular Assessment of each District, and Distribution of the general Remission, which the present Plan proposes, makes Part of the Detail, and will require the Assistance and local Information of the Gentlemen on the Spot.

53. When the gross Sum to be levied from the Country is determined, as well for the Revenue as all Charges incident to it, each Zemindarry should be assessed its Proportion according to the Rule in the First Article; and let that Sum be declared the Quit Rent of those particular Lands in Perpetuity. This Distribution should be called the *Tumar Jumma*, a Term sanctified among the Natives, from the Idea of Security which they had long been accustomed to annex to it. There is no Case of Necessity, no Emergency whatsoever, which, in my Opinion, should induce Government to increase the *Jumma*: Temporary Distresses may be provided for by temporary Contributions, which a flou-

\* Note—  
to the Council,  
dated 5th Fe-  
bruary 1775.

The late Mr. Middleton's Opinion on this Subject, is strong in support of the present Argument. The Zemindar is indeed, in every Light he can be viewed, the proprietor and the only Person to whom Government can, consistently with the Welfare of the Country, let the Lands. The Ryots respect him, and will gladly submit to every Thing but the most cruel Hardship from his Hands, without repining, as they look towards him as their natural Master and Protector; and he himself, considering his Interest as permanent in the Country, will avoid every Oppression, which, as it must injure the Country, must also tend in the End to the Detriment of himself and Family. Very different is the Case with the Izardar. No ways concerned in the Welfare of the Country beyond the Date of his Engagements, his only Care is to realize, as fast as he can, what he has contracted to pay Government, and to appropriate to himself a considerable Sum of Money; perfectly indifferent, when those Ends are accomplished, how far the Country may be distressed, and the future Revenues of Government diminished."



## A P P E N D I X, N<sup>o</sup> 14.

ishing Country does not feel. If these are once added to the Jumma, according to modern Practice, they become perpetual, and drive the Proprietor, who sees no Limit or Period to the Impositions on his Land, to Frauds, Indolence, or Despair.

54. A new *Tumar*, or Roll, with a *Tuksum Jumma*, or a Division Account of the Country, should be formed, shewing what Proportion of the general Assessment is paid by each constituent Part of the Zemindarry, such as Pergunnahs, Tuppahs, Villages, &c. This Record should be carefully preserved in the Khalsa, and transcribed into English. The Head Cutcherry of each District \* should have an authenticated Copy of its particular Tukseem, which all Persons should be at Liberty to consult.

It is not meant by these Regulations to prevent the Zemindar from drawing a larger Rent from any constituent Parts of his Zemindarry than its Proportion of the Assessment, and rendering it of more Value to himself, if he improves the Land it contains; this would be absurd, and defeat the Intention of the present Plan: It is only meant to fix the Quit Rent of Government for every Portion of Land in all future Sales or Transfers of Property, without which, neither the actual Proprietor nor the Purchaser can form a determinate Judgment of its Value.

55. The Quit Rent of each Zemindarry being fixed, the Zemindar must be informed, that the due Discharge of his Rent is the Tenure by which he holds his Lands, with every possible Assurance that no further Demands will be made upon him. If he incurs a Balance, a Part of his Zemindarry should be invariably sold to make it good; and when the Quit Rent is fixed, there can be no Doubt of Purchasers. This should be made an express Condition in the *Caboolat*. In the Case of Sales, a Preference should be given to the next Heir. If the Sale produces more than the Debt, the Proprietor should have Credit for the Difference. This Method will preclude the Necessity of using the rigorous Means hitherto in Practice, and often ineffectually applied; such as Threats, Imprisonment, and Stripes. A more easy and more effectual Remedy is in the Power of Government: In the present depressed and discouraged State of the Zemindars, it is probable that several of them may incur the Penalty of losing their Lands; in some it will arise from Incapacity, in others from Doubts of the Government, and in many from downright Obstinacy and wilful Attachment to their Prejudices or Propensity to Fraud, in which they have been bred. The Government must begin by setting an Example of Good Faith to its Subjects. In such Instances as those abovementioned, a Transfer of Landed Property to monied People, who are able to make Improvements, will be equally advantageous to Government and to the Country. But whoever knows the Value set by the Zemindars of Bengal on their inherited Property, and the Disputes which they maintain for Years with the utmost Acrimony and Perseverance for the smallest Portion of their Land, even on its present racked and discredited Tenure, will be convinced, that when they see this Regulation put in Force against them without Delay or Indulgence, they will be roused from their present supine and hopeless State to exert every Endeavour for the Preservation and Improvement of their Estates, now rendered of real Value to them.

56. As many of the Zemindars will at first be incapable of managing their Lands themselves, they should be obliged to retain a *Dewan* (or Steward) of sufficient Ability and good Character, who should be entrusted with the Management of the Lands, and be answerable for the Rent due to Government; without whose Approbation he ought not to be dismissed, during Four or Five Years at least after the first Settlement. The *Dewan* will stand in the Place of a Security, with this Difference, that as he will have the Management himself, he should be accountable to his Master, but should never be allowed a Claim on the Estate; nor in the Case of a Sale, should he ever be permitted to purchase the same Land of which he was *Dewan*. I agree with the Governor General in his Opinion of the Inconveniencies arising from the very extensive Zemindaries, and that it is the Interest of Government that ~~these~~ they should be divided, and that the small ones should be kept entire; though the Reverse is the Custom of the Country. In this Respect a new Law of Inheritance should be established, by which the great Zemindaries should be divided equally among all the Sons, and the small ones descend to the Eldest, on Condition of supporting the younger Children. The gradual Operation of this Rule might be continued until the larger Zemindaries were reduced to a Revenue of Two Lacks each to Government. The rest should be preserved entire. This Limitation however is arbitrary, and open to Consideration.

In the same View it may be proper to consider, whether the Zemindars having no Heirs of their own Blood, should be allowed to adopt a Son (generally that of the Family Bramin) to inherit their real Property. If this Custom be abolished, some of the principal Zemindaries will probably elude to Government, and may be divided into small ones.

57. A Court of Wards might be established for the Care of Estates, of which the Incumbents are Minors, Idiots, or Females; and to have the Care of the Education of Minors, now usually committed to Servants or Relations, who have an obvious Interest in bringing up the Children in Ignorance and Stupidity.

58. When the Jumma is reduced, and the Zemindars have the Management of their Lands, a specific Allowance, now made them in Right of their Zemindarry, will only tend to promote Idleness; as their Profit should arise from the Improvement of their Estates.

59. By the ancient Constitution of the Empire, the principal Zemindars were invested with Fouz-

\* Note—"I call a District the Portion of Lands under each Supervisor."



darry Jurisdiction, and were answerable for the Peace of their Districts. In case of Robberies, the Zemindar in whose Precinct they were committed, was obliged to make good the Damage to the Person robbed, and to discover and bring the Thief to Justice. Where Murders and Riots were committed, the Zemindars were liable to severe Mulcts from Government.

The Fouzdars, stationed in different Parts of the Country, had Authority to enforce these Laws; and the Fines they levied on Breaches of the Peace, or other Infractions of the Law, formed an Article of Revenue, called *Abaob Fouzdarry*.

I agree with the Governor General, that a Revival of these Institutions may be highly expedient. The present Appointment of the *Naib Suba* is a Step to it; but it should not be put in Force too early, lest it should embarrass and distress the Zemindars in their present low State. They must be allowed some Time to establish their Influence, and acquire a sufficient Degree of Property and Consideration in their Estates. The Plan itself will at first require nursing and Indulgence. As the new Establishment gains Strength, the Zemindars should be gradually replaced in the Exercise of all their ancient Duties; such as the repairing of Roads, Dykes, Bridges, Care of Ferries, and Plantation of Fruit and Timber Trees, to which, though a most material Article to the Country, little or no Attention, I believe, is paid at present. As their Means increase, they should be obliged to keep up the old Establishment of Pykes and Bearers for the Security of the Villages, and Assistance to Travellers.

One essential Reason why Government should endeavour to restore the Zemindars to a State of Competence at least, if not of Affluence, is, that they are not merely the Stewards or Collectors of the Public Revenues, but are, or ought to be, the Instruments of Government in almost every Branch of the Civil Administration. If this Medium be removed, Government then acts directly upon its Subjects by its own Officers, without the Assistance of those intermediate Gradations of Rank, Authority, and Responsibility, by which all great Civil Societies are held together. A System which professes to destroy that Medium, might as well profess at once the Dissolution of the State; unless by the Word *State*, we are only to understand the economical Relation of Master and Slave, not the political Union of a Government with its Subjects.

60. Having thus taken ample Care of the Rights of the Zemindars, and given Security to their Property, the next Step is, to make a similar Provision for their Tenants. The Land is the hereditary Property of the Zemindar; he holds it by the Law of the Country, on the Tenure of paying a certain Contribution to Government. When this Condition is complied with, he is Master of the Land, to re-let it to whom he thinks proper; but when he has given a Lease of any Part of it to a Ryot, the Conditions of such Lease should be invariably adhered to: In other Words, the same Security which Government gives to the Tenant in Chief, should for the same Reason descend to the Under-tenants in their several Gradations; so that every Rank of Society, and every Member of it, may have something to call his own. Government should prescribe a Form for the *Pottah*, which may be deemed the legal one, and no other be held valid. I know not whether, in ancient Times, the Ryots constantly took out Pottahs or not; they derived a better Security against ill Treatment, from the natural Interest and Relation by which they and the Zemindars were mutually bound to each other; this Security, so much superior to any formal Engagements, the present System promises to restore. By establishing a Quit Rent for each Zemindarry, we make it the Interest of the Zemindar to extend his Cultivation to the utmost, which can only be done by encouraging the Resort of Ryots, and by letting his Lands on such favourable Terms as may excite their Industry. I have heard it asserted, that formerly, when a Ryot quitted any Zemindar's Lands, he followed him, and used every Motive of Persuasion to prevail on him to return; and that the Zemindars were accustomed to bribe away each other's Tenants. In order to get rid of the present confused Pottahs and Jumma-bundy, it should be made an indispensable Condition with the Zemindar, that in the course of a stated Time he shall grant new Pottahs to his Tenants, either on the same Footing with his own Quit Rent (*Istumar*) that is, as long as the Zemindar's Rent remains the same, or for a Term of Years, as they may agree: The former is the Custom of the Country. This will become a new Awfil Jumma for each Ryot, and ought to be as sacred as the Zemindar's Quit Rent. The Pottah should be expressed in the simplest Terms possible, without a single Abaob or Muthote, so much per Bega for every Bega of Land he cultivates, varying only according to the Articles of Produce or Quality of the Soil\*. On the Application of any Ryot, the Supervisors (whose Office will be mentioned hereafter) should cause such a Pottah to be given him, witnessed by himself, or the Cannongoes and public Officers of the Cutcherry, that it may become as much a Matter of Record as the Zemindar's Quit Rent. Every Ryot, on completing his annual Payments, should receive a signed Account of his Jumma-bundy, or Annual Rent, from the Zemindar (or his Agents) with a Release at the Foot of it. In case of Disputes, this Account compared with the Pottah will make it easy to decide them. The Zemindar should be obliged to grant this Account and Release to the Ryots; whose Complaints, on the other Hand, should not be listened to, if they neglected to demand it.

61. The Establishment of One general Silver Coin, upon which no Batta is required, will preclude a great Source of cheating and oppressing the Ryots, and put a Stop to any Pretence for levying a

\* N. B. "The Amount of Rent to be paid per Bega must be settled between the Zemindar and his Tenant. Government can never descend to the Ryots, so as to fix any general Assessment upon them, because the Rates of Land depend on a Number of precarious Circumstances; such as the Quality of the Soil, the Articles it produces, of which there may be a variety in One Village, besides the general Argument of Vicinity to Markets, or Water Carriage, which makes Land of more or less Value to the Cultivator."

Muthore, to make up a Deficiency of Weight and Batta, which Articles used to afford the Shroffs their greatest Profits in dealing with the Zemindars and Ryots.

62. I understand that the greater Part of the Charity Lands in Bengal are held by Usurpation, or by the Gift of Foujedars, Aumils, Zemindars, and Collectors of Villages. When the Zemindars begin to find their Lands valuable, they will make great Struggles to resume those Grants or Usurpations. To obviate the vexatious Consequences of an Inquisition into ancient Titles, and yet to relieve the Zemindar against modern and notorious Usurpations, a Term of Prescription ought to be fixed for the quiet Possession of all real or pretended Charity Lands, for which no valid Grant can be produced. In future, no Gifts of Land made by the Zemindar for a longer Period than during his own Life or Possession should be allowed: But no Act of his should exempt the Lands from making good their Proportion of the general Jumma, whenever the Zemindar falls in Arrear to Government.

63. While the Credit of the Zemindars was supported, Merchants, and others acting as Bankers for them, lent them large Sums, which formed a Maintenance to the Merchant, and assisted the Zemindars in improving their Lands, and relieving the lower Tenants when rendered unable, by bad Harvelts or otherwise, to pay the Demands of Government at the stated Periods. This Intercourse in some Measure united the landed and monied Property, and gave to each Class a natural and permanent Interest in the Prosperity of the other. It will revive of itself when the Lands become valuable, and absorb the idle Money thrown into the Hands of private Persons by the Discharge of the Bonded Debt. But Government ought to give some Demonstration of their Intention to see Justice done to those who lend their Money. The Rate of Interest should be fixed, and the Mode of Security determined, whether by Mortgage or otherwise.

64. The Execution of a Plan of this Nature will require the Attention of Government to all Parts of the Country at once; therefore cannot be performed by a Council confined to the Capital of a large Province. With respect to the present Provincial Councils, I am of Opinion that the Institution was fundamentally wrong: There should be but One deliberative Council in the State. The Powers delegated by that Authority should be purely Ministerial; it seems contrary to all Principle to unite Execution with Debate. It looks like forcing Two Powers, moving on Principles diametrically opposite in their Nature, to keep Pace with each other. A Government so constituted will neither deliberate nor dispatch. Setting aside the obvious Consideration of an inevitable Slowness of Proceeding, tedious Disputes, and voluminous Consultations, one great and fatal Objection to Provincial Councils is generally felt and acknowledged by themselves. Their local Situation makes them unable, from their own Knowledge, to judge of the State of the distant Districts, or to hear Complaints, or to yield timely Redress, or, in short, to enter into the Detail of Government.

65. In the Course of the Year preceding the new Establishment, Supervisors should again be appointed from the most discreet and able Servants, who are acquainted with the Language; and, if possible, such as have a Knowledge of the Districts where they are to be employed, and some Acquaintance with the People.

Let the special Purpose of their Appointment be, to see this Plan executed and adhered to in all its Parts; and as the Success of it, in its Infancy, will in a great Measure depend on their Assiduity, Integrity, and the Support they give to all the People employed, they ought to be placed above Temptation; they should have an honourable Means of acquiring a Reward proportioned to the great Trust reposed in them. For this Purpose I think they should be allowed a Salary for their Expences, and a Commission on the Nett Amount of their Collections, payable with the other Expences of Collection by the District. I will not pretend to say what their avowed Emoluments ought to be, but I am sure that no Government will be served honestly which does not reward its Servants liberally.

66. The Divisions of the Country may be nearly the same as in the former Collectorships, except that Dacca is too large, contains a great many small Zemindarries, and ought to make Three Divisions at least. It is most probable that when the Zemindars are thoroughly established, and Pottahs given to the Ryots, it will be unnecessary to keep the Supervisors in the Districts: The Zemindars will gladly pay their Rents at the Khalsa. Some Gentlemen, on the Plan of the old Foujedars, may be fixed at convenient Stations, merely to preserve the Peace and Subjection of the Country; and this would be more essentially necessary in case of a War.

67. The Superintendence of the Dewanny Adawlut will make an important Branch of the Supervisor's Business, in which he should be attended and assisted by the Foujedarry Officers, who are, or ought to be, Men of Learning in the Mahomedan Law. The Servants allowed at present for the Dewanny Adawluts are, as I am informed, mere Clerks; and as they can be of no Assistance to him in forming proper Decisions, the greatest Part of them may be struck off.

68. The Establishment of Servants in each District need be very small, as all the voluminous Part of the Business, forming Hufstaboods, and collecting Mofussil Papers, will now be unnecessary, and the Accounts required, will only be a State of each Zemindar's Payments, and the Arrears due from him, and a *Jumma Khurch*, or Account of Receipts and Disbursements, to be sent to the Treasury. The Supervisor should have Authority, and it should be declared his special Duty to prevent all Attempts of Monopoly, or undue Influence in Trade, whether by the Company's Agents or others: It should be strongly recommended to him to protect and encourage Merchants, by seeing strict Justice done to them, and that no vexatious Impediments are thrown in their Way.

69. Preparatory to this Scheme, an Order ought to be sent to all the Provincial Councils, to procure, 1st. An exact Register of all the Landed Property in the Country, digested under the general

## A P P E N D I X, N<sup>o</sup> 14.

Heads of Zemindarries and Talookdarries, with the Pergunnahs contained in each of them. 2d. A Table of the Three last Years Receipts. 3d. The Character of the Zemindar, and the State of his Family, with any other Particulars which they may think necessary to assist Government in the Formation of a new Settlement. Copies of these Accounts will of course be delivered to the respective Supervisors.

70. The Committee's Settlement, I believe, does not now exist intire in any Part of the Provinces. Great Remissions have been made, yet heavy Balances are still due on this Settlement. By relinquishing the latter, some Debtors will escape who have no Claims to Indulgence, and ought to be pressed with Severity. But upon the whole, I deem it for the Interest of the Company, that all Balances which cannot be collected by a certain Period, should be remitted. The Intention of Government in this Respect should be kept secret till the Moment when the public Declaration of it shall be made. The Country cannot recover under the Exactions of heavy Balances, notwithstanding any Prospect of future Relief. By opening a fresh Account we shall give Heart to the People; and though, in particular Instances the Government may lose what it would be justified in exacting, it should be remembered that the Country has already paid much more upon the whole, than should have been demanded from it.

71. With respect to the Revenues which Government should raise from the Manufacture of Salt and Ophium, I declare my Opinion that it ought to be by way of Duty only. The ancient Government was content with such a Duty. The Object of the Institution of the present Government, and of all the Company's Instructions to us, is to destroy Monopolies. All their Orders on this Subject since the Year 1766 shew, that Salt in particular was meant to be left as free and unburthened as possible; that their principal Object was the Ease and Convenience of the Natives; and the Duty was ordered to be so regulated, as not to produce a Revenue exceeding £. 120,000 per Annum.

72. The Idea of monopolizing this Necessary of Life, whether for the Advantage of Government or of Individuals, has been at all Times invariably reprobated by the Company. It is particularly observable, that in their Letter of the 20th November 1767, they say, they had rather that *even the Duties* should be diminished, than that the Price to the Consumer should ever exceed 140 Sicca Rupees per 100 Maunds.

It is notorious that the Oppressions practised under Colour of the present Contracts, have contributed greatly to the Depopulation of the Salt Districts. The Consequences of such Depopulation are not confined to the Loss of so much Salt. The Cultivation of the Lands in these Districts is performed by the same Hands which work the Salt; and when the Molupgee is driven to Desertion, the State proportionably feels the Loss, not only in its Manufacture, but in its Agriculture.

73. On the Subject of Ophium we have yet received no Instructions. The Monoply of this Article is highly prejudicial to the foreign Trade of Bengal; nor have we a Right to reckon the whole Revenue arising from it as clearly gained to the Company, since it is beyond all Doubt that the Landed Revenue suffers considerably by Government's engrossing the Produce of the Lands; in Proportion as the Monoply operates, the Rents of the Lands must diminish. To recover the Province of Bahar from its present State of universal Poverty and Depopulation, I see no Method so easy and certain as throwing open the Ophium Trade, and making some Alteration in the present oppressive Method of providing the Company's Salt Petre: On the other Hand, my Estimate of Services to be provided for, shews that Government does not want this Resource, and that a Duty of 30 Sicca Rupees per 100 Maunds on Salt, and of 30 Sicca Rupees per Maund on Ophium, which the Trade will easily bear, will produce as much as Government has any Occasion to demand from these Articles. To exact more is useless to Government and cruel to the People. The single Act of throwing open the Trade in Salt and Ophium, will, I am convinced, in a very few Years give totally a new Face to the Country.

74. If the Subject of the Inland Trade of Bengal should at any Time hereafter come again under the Consideration of the Legislature, the Question, whether the Restrictions now imposed on His Majesty's European Subjects, *not employed in the Collections or in Offices of Authority*, are necessary to be continued? will, I think, deserve their serious Attention. At a Time when the Company's Servants claimed Exemptions from the Duties paid by the Natives, when the Operation of the Duffuck manifestly tended to engrossing the whole Trade of the Country, or while one of the bad Effects of such Claims was to involve us in Disputes with the Country Government, the Prohibitions now imposed by Law would have been highly necessary. At present I apprehend, they cease to be so, because all Distinctions of that Kind are laid aside, and, *ceteris paribus*, the Native must always have a great natural Advantage over the European in conducting any Branch of the Inland Trade. In general, Prohibitions or Restrictions are destructive to Commerce. In this particular Case, they are not only less necessary than heretofore, but perhaps do not intirely produce their intended Effects.

(Signed)

P. Francis,

LIST

# A P P E N D I X, N<sup>o</sup> 14.

## LIST of Papers annexed to the Plan.

- N<sup>o</sup> 1. Particulars of the Jumma according to the Ayen Ackberry.
2. Jumma in the Year 1728.
3. List of Royal Officers appointed by Acbar.
4. Ryot's Accounts.
5. Jumma of the Dewanny Lands.
6. Account of Manufactures made Abroad.
7. Extract from Mr. Becher's Letter to the President, dated the 24th May 1769.
8. Extracts of the Letters of Messrs. Middleton, Vanfittart, Dacres, and Barwell, to the Governor General and Council.
9. Estimate of Services to be provided for, and Resources.
10. Remarks on the Estimate.

N<sup>o</sup> 1. ACCOUNT of the Jumma of Bengal during Acbar's Reign, according to the Divisions at that Time established, including Five Sircars of Orissa; extracted from the Ayen Ackbarry.

	Mahls.	Dams.
Sircar Oudenah, commonly called Tanrah	52	24079399½
Sircar Jenmitabad	66	18846967
Fatahabad	31	—
Mahmoodabad	88	11610256
Khaleetputabad	35	5402140
Bookla	4	7131645
Poornea	9	6408793
Tajepoor	29	6483857
Ghoraghaut	84	8383072
Pinjerah	21	—
Barbuckabad	28	17671532
Bazouha	32	39516871
Sunargong	52	10331333
Silhet	8	6681620
Chatgong	7	11424310
Shereetabad	26	22420750
Solimanabad	31	17629364
Satgong	53	10724620
Madarun	16	9403400
Orissa Sircar Jelafur	28	50052738
Budaruck	7	18087770
Cutack	21	91432730
Sircar Kulling	27	9560000
Raje Mahindah	16	5000000
Sum Total in Dams, of which 40 make a Rupee	—	59,84,59,319
Rupees	—	1,49,61,482 15 2

N. B. The Blank in the Jumma of Two of the Sircars, arises from the original Persian Copy being so worn as not to be legible in those Places, but the Sum total is ascertained.

N<sup>o</sup> 2. A B S T R A C T

# A P P E N D I X, N<sup>o</sup> 14.

N<sup>o</sup> 2. ABSTRACT of the *Tumār Jumma*, or Rent Roll of the Soubah of Bengal, for the Bengal Year 1135, or 1728, E. S. during the Government of Shujah Cawn, according to the Divisions of the Country at that Time established.

	Mhals.				
Chuckla Moorshedabad, containing —	118	28,18,548	3	8	1
D <sup>o</sup> Burdwan — — —	61	22,48,570	15	3	1
D <sup>o</sup> Sautgong, Houghly, and Calcutta — — —	115	14,73,640	13	18	1
D <sup>o</sup> Akbernagur or Rajemahal — — —	119	9,61,758	14	6	—
D <sup>o</sup> Gorah Gaut (Dinagepoor, &c.) — — —	453	21,79,100	4	8	3
D <sup>o</sup> Jehangirnagur (Dacca) — — —	236	19,04,506	10	11	1
D <sup>o</sup> Bhoolna, Part of Rajeshahy, &c. — — —	115	6,85,438	13	11	2
D <sup>o</sup> Jeffore — — —	80	3,85,386	7	—	2
D <sup>o</sup> Bunder Balasore — — —	17	1,08,876	1	5	—
D <sup>o</sup> Curry Barry (Part of Rungpoor, Beharbund, &c) — — —	25	2,03,615	13	3	2
D <sup>o</sup> Hidjee (Ingelee Salt Lands) — — —	37	4,17,658	9	10	3
D <sup>o</sup> Islamabad (Chittagong) — — —	141	1,76,795	14	13	3
D <sup>o</sup> Sylhet — — —	139	5,26,476	7	12	2
					1,40,90,374 — 13 1
<i>Mal Ground Rents.</i>					
Paishkush levied by Way of Fine on Ragooram, Zemindar of Nuddea, in Annual Payments — — —		—	—		25,000 — — —
<i>Sawbeck</i> , or former Rent — — —		—	—		1,41,15,374 — 13 1
<i>Increase made in contingent Articles of Revenue.</i>					
<i>Syer Chunacolly</i> , or Customs at Moorshedabad — — —		41,586	7	6	2
Mint at Moorshedabad — — —		52,745	8	—	—
Purgunnah Chowrah — — —		1,000	—	—	—
Mint at Rajemahal — — —		5,566	9	—	—
<i>Syer Bukshebunder</i> (Customs at Houghley) — — —		29,289	8	1	3
					1,30,188 — 8 1
Total Jumma of Bengal Sicca Rupees — — —		—	—		1,42,45,562 1 1 2

N. B. The above Account is taken from the Records, and authenticated by the Canongoes; the Particulars of it extend to each Mehal.

APPROPRIATION

# A P P E N D I X, N° 14.

APPROPRIATION of the foregoing Revenue, as it stood in the Bengal Year 1135, or  
E. S. 1728, in the Government of Shujah Cawn.

<i>Jaguirs, or Establishments for the Royal Officers, according to their different Tenures, for the Maintenance of Troops, and Charges of their several Offices, from which all the Ordinary Charges of the Province were then defrayed:</i>			
The Nazim registered in the Government's Account at — — — —	10,70,465	2	— —
The Dewan, Collector General of the Revenues — — — —	1,46,250	—	— —
Murshed Cooly Cawn; Munsubdar and Naib of Dacca — — — —	1,00,145	12	10 —
Jaguir of Khondoram, Buxey of the Empire — — — —	2,25,000	—	— —
Shumfair Cawn, Munsubdar and Fayeddar of Syllett — — — —	1,79,166	11	— —
Munochir Cawn, D <sup>e</sup> F <sup>r</sup> of Rungpoor — — — —	16,666	11	— —
Zulemdar Cawn, Munsubdar — — — —	2,500	—	— —
Sheawmut Ally Cawn — — — —	6,145	13	— —
Aliverdy Cawn, } afterwards Nazim, } as F <sup>r</sup> of Rajchahal — — — —	16,666	11	— —
Sharryet Ullak Cawn — — — —	7,916	11	— —
Suffeer Cooley Cawn — — — —	4,166	11	— —
Luffally Cawn, Darogha Jeshial, Commissary of Musters for the Troops to be kept up by the Jaguidars — — — —	1,666	11	— —
Cyef Cawn, Fouzedar of Purnea — — — —	1,80,166	11	— —
Atterut Hassim Cawn — — — —	11,995	13	— —
Cudder Cawn — — — —	2,333	5	— —
Mahomed Ahenullah — — — —	12,500	—	— —
Roy Jugul Kishour, Vackeel at Delhi — — — —	3,645	13	10 —
Kissamuddin Cawn — — — —	13,333	5	— —
Baker Ally Cawn — — — —	4,165	11	— —
Meerhady — — — —	833	5	— —
Mahomed Askerry — — — —	5,833	5	— —
Goulan Hussain — — — —	707	3	— —
Isfander Beg — — — —	3,333	5	— —
Goullan Hussain Cutwall — — — —	2,500	—	— —
Allum Chund, Paisher, afterwards Royroyan — — — —	3,750	—	— —
Jaguir of the <i>Nowarrab</i> , or Royal Boats kept upon Account of the Incursion of the Arracanners, Maggs, &c. at Dacca — — — —	7,78,949	14	6 —
<i>Topeconnah</i> or Royal Artillery kept up at Dacca — — — —	3,59,180	14	8 2
Jaguir of Amanut Cawn; <i>Darogha</i> of the <i>Nowarrab</i> or Fleet of Boats — — — —	8,333	5	— —
Jaguirs of some Frontier Zemindars, viz.			
Topperah — — — — 25,000 — — — —			
Mudjeah — — — — 11,250 — — — —			
Ramfing of Sufing — — — — 8,916 10 — —			
Zemindar of Teliagunny Pals — — — — 4,583 5 — —			
Samlundar, Zemindar of Jeffore — — — — 781 4 — —			
	50,531	3	— —
Pensions to several People, as per Particulars in the Account — — — —	42,490	15	1 2
Charge of keeping his Majesty's Elephants, and for purchasing Syllett Mhals, sent Annually to Delhi — — — —	66,136	7	12 3
<i>Khaliffa Sheriffs</i> , or Revenue of the royal Exchequer — — — —			
	33,27,477	5	8 3
	1,09,18,084	11	12 3
Sicca Rupees — — — —	1,42,45,562	1	1 2



## A P P E N D I X, N° 14.

N. B. Bengal, as a Province of the Empire, may have been considered as under a native Government; and being subject to no Invasions at that Time, except the Incursions of the *Mughls* *Arracanners*, or *Portuguese* settled at *Chittagong*, who came merely for Plunder, required no other military Establishments than were necessary to suppress these Incursions, and preserve the Peace of the Country, and Subjection of the timid Inhabitants. By the best Accounts which can be obtained, it appears that the Standing Force of the Emperors in Bengal was only Three thousand Cavalry, which *Jaffier Cawn* represented as unnecessary, and procured its Reform. Jaguirs, or Assignments of Lands, were made for the Support of a Corps of Artillery and Fleet of armed Boats at *Dacca*, to defend that Part of the Province from the *Arcanners*, &c. who used to come into the Mouths of the *Ganges* in their Boats, and plunder the open Country. All the other Establishments were provided for by Jaguirs, as particularized in the foregoing Account; whose Tenures were partly Military for the Support of Troops, and partly Civil for the Charges of their several Offices and the necessary Servants. Nature of a Jaguir Grant was, a certain Portion of Land assigned to the Jaguirdar, either in virtue of his Office called *Mushrout*, or personal and for Life, called *Zant*, to hold on Condition of performing certain Services (expressed in the *Sunnuds*.) The Jaguirdars took Possession of those Lands which were usually the Waste, or least improved Part of the *Zemindaries* from whence they were taken. The *Zemindar* whose Lands they were, received Credit for them in his Rents, according to their Proportion of the general Quit Rent expressed in the *Tumar* and *Tuksum*, and the Jaguir was registered in the Government Books at the same Rate, but being improved by the Jaguirdar, usually produced to him much more than the Amount of the Register, which appeared when they were resumed and collected by Government.

Most of the other Offices mentioned in a separate List, were supported by the established Fees.

---

### N° 3. NAMES of the Imperial Officers, with the Duties of their Stations.

**NAZIM.**

For the Guard and Protection of the Country, to order and regulate all Matters of Government and Policy, and to execute the Laws of the Empire.

**DEWAN.**

Collector General of the Revenues, with Authority in all Matters appertaining thereto; to have the Charge of the Treasury and Remittances to Court; to grant *Sunnuds* under his Seal, with the Approbation of the *Nazim*, to the *Zemindars*, *Jachiridars*, and *Aymadars*.

**DEWAN BEUTAL.**

To keep the Accounts of all Expenditures made on his Majesty's Account.

**BUXEY.**

To keep all Accounts appertaining to the *Munsubdars* and *Jathiridars* of the Province, whether the principal *Omrahs* or others.

**SEWANE NEGAR, WACKAYA NEGAR, AND HIRCARRAH.**

To write the Accounts of all Transactions to Court, whether respecting the Prices of Provisions, the State of the Country, or *Ryots*, or the Conduct of the *Nazim*, or other Officers.

**THE CAUZEY AND MUFTEE.**

For the Care of Religion, and Observance of the Mahomedan Rites and Laws.

**THE SUDDER.**

To keep the Accounts of the *Amyadars*, and all *Chachy* and Free Lands.

**THE MOHTESIB SUPT AND POLICE.**

To superintend Weights and Measures, and to prevent unlawful Games, Drinking, and Disorders in the Markets.

**THE CANONGOES.**

To keep the Accounts of the *Jumma*, and other Ordinations relating to the Policy and Government of the Country.

**THE PHOUZEDARS AND TANNAHDARS.**

Stationed at several Posts to guard and protect the Country under the Orders of the *Nazim*; they were appointed to their Stations from Court.

# A P P E N D I X, N<sup>o</sup> 14.

## N<sup>o</sup> 4. STATE of a Ryot's Jumabundy in Jeffore.

				R <sup>o</sup> . A. G.	
Awfil, or original Rents, according to 1178	—	—	—	14	—
Deduction of the Awfil obtained in 1178 by the Ryot	—	—	—	2	—
Balance remaining Awfil in 1178				—	12
Aboabs, or Taxes, added to and calculated upon the Awfil.					
1. Aboab Sabak, or ancient Taxes.					
A. O. D.					
Khanguce Zemindarry, or Fee to the Zemindar, of 1 12 2 on the Rupee of the Awfil	—	—	—	1	3 10
Beckh, or Benevolence, being 1-12th of the Awfil	—	—	—	1	—
Chandee, another Allowance to the Zemindar, being 1-48th of the whole Settlement	—	—	—	—	4
Serf Batta, or a Due on Account of Batta, which is calculated at Three Annas on the Rupee of the Awfil	—	—	—	2	4
Ruffoom, Sezawullee, Allowance first granted to Sefawills who went to enforce the Collections now annexed to the Settlement, and is calculated at the Rate of 15 Gundas in the Rupee Awfil	—	—	—	—	9
Salaamy Khanabarree, or a Present the Ryot made to his Zemindar when he first erected his House, now included in the Bundabust at about	—	—	—	—	8
Ban Salaamy, or Rent on Account of the Juice of the Khigoor Tree, at about	—	—	—	—	8
Bukkaya, or Balance	—	—	—	—	8
				6	12 10
Aboab Haal, or new Taxes laid on since 1179.					
Chuekla Khurtcha, or Charges of the District, calculated at 1-24th on the Awfil	—	—	—	—	8
Kurtunnee, or a Tax occasioned by the Custom of the Zemindar to deduct always something from the Amount paid in by the	A. O.				
Ryots, calculated at 1 5 in the Rupee Awfil	—	—	—	—	15
Chandee, explained as above, being 1-6th on the Awfil	—	—	—	2	—
Khurtcha, or Expence, being 1-12th on the Awfil	—	—	—	1	—
Beck, explained as above, being at about	—	—	—	—	2
Neemance, or 1/4 Anna on the Rupee Awfil	—	—	—	—	6
Mangun, at 15 Gundas in the Rupee Awfil	—	—	—	—	9
Fee, Roopea Dofs Cowerie, or Ten Cowries on the Rupee Awfil	—	—	—	1	10
Jereeb Mowkowfee, or Consideration for refraining from measuring the Ryots Lands, may be accounted	—	—	—	—	4
Khurtcha Mufful, or Charges in the Country, being 9-12ths on the Rupee Awfil	—	—	—	9	—
Ajaradarree, or Farmer's Allowance, 1-12th on the Awfil	—	—	—	1	—
Mushukhuffee, at about	—	—	—	—	2
Serf Batta, explained as above, at 2 1/2 Annas on the Awfil	—	—	—	1	14
Hingamme, at 1-12th on the Awfil, is	—	—	—	1	—
Sefawillee, explained as above at 1-16th on the Awfil	—	—	—	—	12
				19	9 10
Total Rupees				—	26 6
				—	38 6

ACCOUNT

# A P P E N D I X, N° 14.

ACCOUNT of Rent paid by Netai Mundul, of the Village Deknypekar, into the Pergunah of Gowas, belonging to Rajeshahy, for the Bengal Year 1182 or 1775-6.

Ryetty Jumma.		Ground, viz.				Rupees. A. G. C.			
Boftee	—	—	1 2 at 2 8	—	2 12 —				
Oude Boftee	—	—	13 — 1 4	—	— 13 —				
Of different Sorts	—	—	60 12 3 8 per Rupee	—	17 5 —				
Wood	—	—	1 —	—	3 2 —				
				Awfil	—	24 — —			
		Aboabs, viz.							
To the Year	— 1144 or 1737	—	5 — 7 per Rupee	—	7 10 5 —				
* Chout	— 1158	—	3 6 3 D°	—	5 — —				
Kunneeh Khurch	— 1159	—	1 6 3 D°	—	2 — —				
Nagia deficient	— 1160	—	5 7 2 D°	—	8 — —				
Zemindarry Charges	— 1167	—	18 3 D°	—	1 8 —				
						24 2 5 —			
						48 2 5 —			
Serf or Batta of Coffim Ally on the foregoing Articles	—	—	—	—	4 8 4 —				
Izafch, or Increase of 1772	—	—	1 9 on the Rupee of the	—	—				
			Awfil	—	3 3 —				
Sond Bhelah	— 1773	—	1 9 D°	—	2 3 —				
						8 14 4 —			
Poulbundy, &c.	1775 }	—	1 9 on the foregoing	—	—	57 — 9 —			
Repairs of Dykes	— }	—	Articles	—	5 2 13 —				
						5 2 13 —			
						62 3 2 —			
Nagai Comwuzzen	1180	—	5 — — on the foreg <sup>t</sup> Articles	—	15 11 —				
Zebt Mokoofy	1181	—	2 13 2 on D°	—	4 — —				
Ijarrdarre	— 1181	—	1 6 3 D°	—	2 — —				
						6 15 11 —			
						69 2 13 —			
Cumwuzzen established	—	—	10 on all the Articles	—	2 2 15 —				
						71 5 8 —			
		Harvest Grounds, viz.							
		August Harvest.							
		B. C. Ars. G.							
Paya Paddy	—	12 5 4	10 per Begah	3 7 2 2					
Lint Seed	—	21 5 2	10 D°	3 5 3 —					
Hemp	—	2 12 4	10 D°	— 12 4 —					
Paya	—	—	5 D°	— 8 17 2					
					8 1 7 —				
		November Harvest.							
Petches	—	3 2 4	10 D°	— 13 19 —					
Lint Seed	—	6 5 2	10 D°	— 15 13 —					
Mustard Seed	—	2 6 4	10 D°	— 10 7 —					
Paya	—	—	5 D°	— 2 6 —					
					2 10 5 —				
		March Harvest.							
Wheat and Barley	10 1 4	10 D°	2 13 4 2						
Grams, and other									
Petches	16 10 2	10 D°	2 9 3 —						
Ashur	— 5 — 6	D°	1 14 — —						
Paya per Begah	—	5 D°	— 7 18 —						
					7 12 5 2				
Begah	79 6 —	—	Awfil	—	18 7 17 2				
Aboabs, according to the foregoing Particulars	—	—	—	—	30 11 4 2				
						49 3 8 —			
Total Rent, Rupees				—	—	120 8 10 —			

\* N. B. Government levied 2 2 2 2 on the Zemindar for this Article.

N° 5. JUMMA

# A P P E N D I X, N° 14.

N° 5. JUMMA of the Dewanny Lands, on which our First Settlement was made.

- 1st. The Awfil, or Original Quit Rent.
- 2d. Aboabs by Aliverdy Cawn and Seraja Dowlah.
- 3d. Kyffyet or Profit, added by Cossim Ally Cawn.

1st.	Awfil, or original Rent, with the ancient Appropriations of it.				
	<i>Khaliffa Shreefa</i> , or Revenue of His Majesty's Exchequer, to be re- mitted to Delhi	—	—	—	67,98,386 9 11 3
	<i>Jaguirs of the Sircar</i> , Provision for the Nazim and Munsubdars	—	—	—	25,18,069 14 11 2
	Jaguir of the Buxey of the Empire	—	—	—	1,15,091 2 — 1
	<i>Mushroot Dewanny</i> , Jaguir, or Provision for the Dewan	—	—	—	4,57,636 2 — 1
	<i>Mushroot Tannajaut</i> , Provision for the Jourjidars and Jannadars, or Officers stationed in different Parts of the Country to preserve the Peace	—	—	—	2,48,823 2 15 3
				Rupees	1,01,38,006 14 19 2
2d.	Aboab, or Taxes added to the Awfil Jumma, or Original Ground Rent.				
	<i>Khasnevesey</i> . Sundry separate Articles of Col- lections, from which the Nurzes sent to his Majesty, and the Price of rare Productions of Bengal sent to Court were defrayed, af- terwards consolidated into a Tax, and added to the Jumma	—	—	S. Rupees	2,22,233 4 6 3
	<i>Chout</i> , levied by Aliverdy Cawn, on Occasion of the Tribute given to the Marattas, at the <small>Annas. Gendas. Cowries. Crants.</small> Rate of 2 2 2 2 per Rupee on the Khaliffa Mehals	—	—	—	11,05,513 8 17 2
	Nuzzeranah of Munfoor Gunge, levied by Seraje ul Dowlah to build the Palace of Keerajul, near Munfoor Gunge, at Moor- shedabad	—	—	—	3,70,025 12 9 1
	Fil Khanch. Collections for the Support of the Nazim's Elephants	—	—	—	2,10,938 1 10 —
	Aboab Foujedarry. Dues formerly paid by the Zemindars to the Foujedars, struck off and consolidated with the Jumma	—	—	—	6,05,468 1 5 3
	Chunam. Tax for supplying the Nazim's Buildings with this Article, chiefly levied by Seraje ul Dowlah	—	—	—	1,51,815 3 14 3
	Choke Chandny. A partial Tax on the Hauts or Markets at Moorshedabad	—	—	—	3,560 15 5 2
	Established Nuzzeranah. Given by the Ze- mindars to the Nazim, now consolidated with the Jumma	—	—	—	4,41,977 12 3 —
	Zer Muthote. A Collection chiefly made for the Expences of the Khalfa Servants	—	—	—	1,01,416 1 6 —
	Hesht Gôr. Bringing Marble from the Ruins of Gôr; a partial Tax	—	—	—	8,000 — — —
	Seif or Batta. Added by Cossim Ally Cawn; <small>Anna.</small> ordered $\frac{1}{4}$ on the Collection	—	—	—	4,53,488 1 6 1
					36,74,436 14 4 3

# A P P E N D I X, N° 14.

3d. Kyffyet, or Profit of the Hufstabood. This Article arises chiefly from Cossim Ally's having abolished the ancient Mode of collecting on the Jumma, and sending his own Officers to take the entire Produce of the Rents, which is called <i>collecting on the Hufstabood</i> , or actual Valuation	—	—	—	—	48,47,277	1	10	1
Total Jumma	—	Sicca Rupees			1,86,59,720	14	14	2
According to the Articles brought on at different Periods to the Bengal Year 1172, or 1765-6, when the Dewanny was ceded to the Company.								
N. B. The Settlement proposed by the Committee for 1183, or 1776-7, is for a Nett Revenue of	—	—	—	—	1,77,73,775	1	5	1
The Collections now made are nearly the Amount of the 1st and 2d Articles, Awf and Aboab, being	—	—	—	—	1,38,12,443	13	4	1

STATE of the Bundibust, as formed for the Bengal Years 1172 and 1173, or from April 1765 to April 1767.

Jumma according to the established Articles, as above	—	—	—	—	1,86,59,720	14	14	2
Deficient chiefly in the Article of Kyffyet or Profit, therefore allowed as a Reduction on making the Settlement	—	—	—	—	25,81,456	11	3	—
Settlement of 1172	—	—	—	— Sicca Rupees	1,60,78,264	3	11	2
Increase or Addition made the following Year 1173	—	—	—	—	11,41,636	10	12	2
					1,72,19,900	14	4	—
Deductions allowed in some Places	—	—	—	—	83,121	1	2	2
Settlement of 1173	—	—	—	— Sicca Rupees	1,71,36,779	13	1	2

N. B. The Provinces of Burdwan, Chittagong, and Midnapoor, which is a Part of Orissa, being ceded by Cossim Ally Cawn on his Accession to the Nizamur, no Hufstabood was made of them at the Khalsa.

N° 6. LIST of Manufactures formerly exported from Bengal to Bombay, Surat, the Coast of Malabar, &c. now either made there, or brought from other Places.

RAW SILK. From the increased Price of this Article in Bengal, and all the principal Assortments being taken for the Company's Investment, they have been induced to send to China for it, and employ China Raw Silk in most of their Manufactures, though not so well suited to them as Bengal.

CHOPPA and MOOMEE SARRIES, being increased in their Price from 70 and 80 Rupees a Corge, to 115 and 120, and the Manufacture being debased 15 or 20 per Cent. will not now answer; and they have substituted a Manufacture of their own, called *Laby Sarry*, for them.

ROMALS, SISTERMANNY, and BANDANNAS, now made at Surat.

A Variety of the Sarry Kind, of which the Consumption was formerly very considerable, are totally lost, and many of these Goods are manufactured on the other Side of India to great Perfection.

MOOKTA and MUGGA SARRIES, are now manufactured on the other Side of India, as cheap and as good as those formerly exported from hence. Very large Quantities of these Goods were annually exported.

DOOREAHS, MULMULS, HUMMUMS, BAFTAES, GURRAS, and other White Goods, are now manu-  
factured

## A P P E N D I X, N<sup>o</sup> 14.

factured at Baroche, and in many Parts of the Guzzerat Kingdom, superior in Quality to what are now produced in Bengal, but dear. As those Manufactures improve, they bid fair to supply both Gulphs with such Goods as have hitherto been only produced at Dacca.

CUTTANEES, MUSHROOS, and ELATCHES, once made a considerable Branch of Commerce to Madras, Malabar, and Bombay. Very few at present are exported, owing to their being advanced 40 or 50 per Cent. in Price, and become of an inferior Quality. Those Goods are now made about Surat, Baroche, &c. with great Success.

The Piece Goods Trade of Bengal has been ruined by the Badness of the Manufacture, and extravagant Price; and it is very probable, that in White Goods, the other Side of India may make great Strides, as Cotton comes into the Hands of their Manufacturers, 100 per Cent. cheaper than in Bengal. Many more Articles might be mentioned, which were formerly exported from Bengal, but now discontinued.

### N<sup>o</sup> 7. Extract of a Letter from Mr. Becher to the President, dated 24th May 1769.

It must give Pain to an Englishman to have Reason to think, that since the Accession of the Company to the Dewannee, the Condition of the People of this Country has been worse than it was before; and yet I am afraid the Fact is undoubted; and I believe has proceeded from the following Causes: The Mode of providing the Company's Investment; the Exportation of Specie, instead of importing large Sums annually; the Strictness that has been observed in the Collections; the Endeavours of all concerned to gain Credit by an Encrease of Revenue during the Time of their being in Station, without sufficiently attending to what future Consequences might be expected from such a Measure; the Errors that subsist in the Manner of making the Collections, particularly by the Employment of Aumils: These appear to me the principal Causes why this fine Country, which flourished under the most despotic and arbitrary Government, is verging towards its Ruin, while the English have really so great a Share in the Administration.

On the Subject of the Company's Investment, I have been explicit to you in my Letter of the 7th Instant.

The Inconveniencies arising from Want of Specie, have been so fully explained by the Committee and yourself, in your Letters to the Court of Directors, that there is no Occasion for my adding to what has been wrote on that Subject.

The Strictness with which the Collections have been kept up, and the destructive Method of employing Aumils, I shall now give my Sentiments on as fully as I am able, and proceed to point out the Remedies that appear to me necessary and practicable in the present Situation of Affairs.

In Aliverdy Cawn's Time, the Amount of the Revenues paid into the Treasury was much less than what comes in at present; but then the Zemindars, Shroffs, Merchants, &c. were rich, and would at any Time when an Emergency required it, supply the Nabob with a large Sum, which they frequently did, particularly when he was at War with the Marattas; the Custom then was, to settle a Mulguzarry with the different Zemindars, on moderate Terms. The Nabob abided by his Agreement: The Zemindars had a natural Interest in their Districts, and gave proper Encouragement to their Ryots; when necessary, would wait for their Rents, and borrow Money to pay their own Mulguzarry punctually. There were in all the Districts Shroffs ready to lend Money to the Zemindars when required, and even to the Ryots, which enabled many to cultivate their Grounds, which otherwise they could not have done. This Mode of Collection, and a Free Trade, which was carried on in such a Manner that the Balance proved greatly in its Favour, made this Country flourish even under an arbitrary Government; and at a Time when a large Tract of it was for Years together annually invaded by the Marattas, who burned and destroyed all they could come at; the poor Inhabitants flying for Shelter to the principal Cities, European Factories, &c. The Swelling of the Rivers at the Approach of the Rains, always obliged the Marattas to retire, and the Inhabitants were again secure till January. They having Encouragement, set immediately to work, and endeavoured to get their Crops in and sent to Market before the Time returned for the apprehended Invasion; inasmuch, that even under such Circumstances the Country was in a flourishing State, and the Zemindars, &c. able to pay the Nabob his Requisition (Account his extraordinary Expence in keeping so large an Army to oppose the Marattas) the enormous Sum of One Crore at one Time, and Fifty Lacks at another, besides paying the Mulguzarry. I mention this with a View of shewing, what this fine Country is capable of under proper Management.

When the English received the Grant of the Dewanny, their First Consideration seems to have been their raising as large Sums from the Country as could be collected, to answer the pressing Demands from Home, and to defray the large Expences here. The Zemindars not being able or willing to pay the Sums required, Aumils have been sent into most of the Districts. The Aumils on their Appointment agree with the Ministers to pay a fixed Sum for the Districts they are to go to, and the Man that has offered most has generally been preferred. What a destructive System is this for the



## A P P E N D I X, N° 14.

poor Inhabitants! The Aumils have no Connection or natural Interest in the Welfare of the Country where they make the Collections, nor have they any Certainty of holding their Places beyond the Year; the best Recommendation they can have, is to pay up their Kistbundies punctually, to which Purpose they fail not to rack the Country *where they make the Collections*, whenever they find they cannot otherwise pay their Kists and secure a handsome Sum for themselves. Uncertain in their Office, and without Opportunity of acquiring Money after their Dismission, can it be doubted that the future Welfare of the Country is not an Object with them? nor is it to be expected in Human Nature. These Aumils also have no Check on them during the Time of their Employment; they appoint those that act under them, so that during the Time of the Year's Collection their Power is absolute; there is no fixed Hustabood by which they are to collect, nor any Likelihood of Complaint, till the poor Ryot is really drove to the Necessity by having more demanded of him than he can possibly pay. Much these poor Wretches will bear, rather than quit their Habitations to come here to complain, especially when it is considered that it must always be attended with Loss of Time, Risk of obtaining Redress, and a Certainty of being very ill used, should the Aumil's Influence be sufficient to prevent the poor Man's obtaining Justice, or even Access to those able to grant it him. On this destructive Plan, and with a continual Demand for more Revenue, have the Collections been made ever since the English have been in Possession of the Dewannee. Many other Errors might be taken Notice of, but I am afraid of tiring your Patience; and I hope what I have represented will convince you of the Necessity of Alterations in the Plan of collecting the Revenues, as well as that of providing the Company's Investment.

You will observe, Sir, the Bundibust settled every Season has exceeded the Collections by many Lacks; and that, of what remained as a Balance very little has been recovered; so that in Reality the Settlement is merely chimerical. I would refer it to your Consideration, whether it would not be better to settle the Bundibust at a lower Rate, equal to what has been paid into the Treasury in any One Season since we have been in Possession of the Dewannee? Such a Settlement would, I apprehend, enable us to make an Abatement for the Relief of the Inhabitants in some particular Tax which bears hard on them; and at the same Time, by proper Checks and constant Attention to the Conduct of those employed in making the Collections, to prevent their Frauds. I am of Opinion, the Company would receive a larger real Income from this Country than they have hitherto done, at the same Time that the Country would flourish.

### N° 8. Extracts of Letters from Messrs. Middleton, Vansittart, Dacres, and Barwell.

5 February  
1775.  
Mr. Middleton.

It is too melancholy a Truth that the whole Country suffered a very dreadful Depopulation in the Time of the Famine, and that the present Thinness of the Inhabitants manifests very clearly that the Effects of that Calamity still remain.

I had the proper Measures been pursued after that Event, probably the Effects of it might by this Time have been felt in a much less considerable Degree; but too much Regard having been then and thereafter paid to the realizing as considerable a present Revenue as possible, those Effects have of course continued aggravating.

When a very considerable Portion, supposed even a Third, of the whole Inhabitants had perished, the remaining Two Thirds were obliged to pay for the Lands now left without Cultivators. The Country has languished ever since, and the Evil continues enhancing every Day.

The Settlement made of the Rajeshahie Province was unavoidably arbitrary; they were obliged to have Recourse to the Settlements of former Years, and did not take into Consideration that those Settlements were merely nominal.

The first Remedy, without the Adoption of which all other Measures will be fruitless, is a universal Remission of some considerable Portion of the Revenue throughout the Provinces. Such Remission should have been made immediately on the Famine; its not taking place then, has made it more and more necessary every Day, and the longer it is delayed, the more ruinous the Consequences must be to this Country, and its Revenue.

I would also recommend the leaving the Lands whenever it can possibly be done with Security to Government, in the Zemindars Hands, in Preference to indifferent Izadars, although the latter may bid more for the Farms.

10 February  
1775.  
Mr. Dacres.  
Mahomedally.

To grant a Remission in the Rents, is a Measure which I have to recommend, to remedy the general Decline of the Revenue.

I believe the Amount of the Settlement exceeds the Ability of the District, and if the Farmer was not a responsible Man, would, I apprehend, fall greatly in Arrears. The common Distresses attendant on the Famine, are again to be quoted as the Cause of its Decay.

Nuddca.

Of that I am necessitated to give a still more unfavourable Account than of any yet mentioned. The apparent Decline of the Revenue (in general) is to be attributed to many Causes; the First and most material is, the Havock which the Famine made among the Inhabitants, and which was consequently attended with a Decrease in the Cultivation; the Lands have been taken in Farm at a Rent exceeding their Ability; the Farmers, to fulfil their Engagements, have realized from the Husbandman, a larger Rent than he has been able to afford. Under this Hardship, to forsake his Profession and his Country, has been the easiest and speediest Means of Relief.

To

## A P P E N D I X, N<sup>o</sup> 14.

To remedy these Evils, and to restore the Country to a flourishing State, there is but one effectual Method; grant the Ryots a total Remission of the Taxes, which have been accumulating on their Payments for these last 15 or 20 Years past, let a Settlement be then made with the Zemindars, fixing the Rent to Perpetuity, and trust to a Sale of their Property as a Security for their Payments.

I attribute the Collections falling short of the Settlement, to the Settlements having in some Places been over-rated, and in almost every Place fixed as high as could be afforded in a favourable Season, so that every extraordinary Accident unavoidably occasioned Deductions or Balances.

20 January  
1775. Mr. G.  
Vansittart.

This regard as the general Cause throughout the Bengal Province. I apprehend there is no immediate Remedy, no Possibility of realizing the Settlement, unless by reducing it to the actual Value of the Lands.

The Five Years Settlement of Burdwan could not have been realized, even if the Seasons had been constantly favourable. Burdwan.

The Settlement of Midnapoor, although the Encrease has been very heavy, may, I think, be realized if the Season be favourable; but every extraordinary Accident must occasion Deficiencies. Midnapoor.

The Beerbhoom Settlement was over-rated, and could not have been realized in the most favourable Seasons. Beerbhoom.

The Bishunpoor Settlement was also over-rated, but not very much; the Farmers relinquished at the Beginning of this Year. Bishunpoor.

Patcheat was as much over-rated as Beerbhoom.

Patcheat.

No one, I believe, will assert, that Bengal is in as flourishing a State at present, as in the Year 1757, when first we acquired an Influence; its Decline arises from the Decay of Commerce, the Accum of Specie, and the Loss of Inhabitants.

The Reduction of the Ryot's Rents to the Standard of what they paid 20 Years ago, and the letting out the Country on fixed and easy Leases for Life, would probably be very useful.

Mr. Barwell, speaking of the Over-valuation of Patcheat and Bishunpoor, observes, that this has been an extensive Evil, and he flatters himself that the Error of past Times, grounded on a Desire to obtain the *highest possible Revenue*, will not be persevered in in the present, since we have the Experience of others to regulate us, and to prevent our falling into the same Mistakes. He says, that in almost all the Divisions in Bengal the Lands were over-rated, and many of the Renters ruined.

Consultation,  
24 November  
1775.

S E R V I C E S to be provided for.			R E S O U R C E S.		
1.	Army as per Establishment	67,64,264	1. Territorial Revenue, viz.		
	Contingencies	21,65,000	Dewanny Lands	1,38,21,757	
	Stores	5,00,000	Ceded Lands	58,87,932	
	Revenue Commission to the Field		Subar Bahar	43,03,279	
	Officers	93,922		2,40,12,968	
2.	Fortifications and Repairs		Deduct a general Remission,		
3.	Investment, and all Commercial Establishments		10 per Cent.	24,01,296	
4.	Marine				
5.	Remuneration to the other Presidencies		Sicca Rupees	2,16,11,672	
6.	Civil Establishment, viz.		Batta 16 per Cent.	34,57,867	8
	1st. General Department	12,55,833			
	2d. Court of Judicature	3,62,000	2. Tribute from Raja Cheyt Sing	22,66,180	
	3d. Revenue Department	32,23,930	Deduct 1½ per Cent. for Re-		
			mittance	33,992	11
7.	Lord Clive's Jaghire				
			Sicca Rupees	22,32,187	5
			Batta 16 per Cent.	3,57,149	15
	Current Rupees				
	Unappropriated Surplus		3. Duties on Opium	Sicca Rupees 1,80,000	
			Batta 16 per Cent.	28,800	
	Current Rupees				
			4. Calcutta Customs		
			5. Bills on Europe		
			6. Europe Cargoes		
			7. Mint Duties		
			8. Captains and Officers Certificates		
			Current Rupees		
				3,10,38,505	5
				2,50,63,539	8
				25,89,337	4
				2,08,800	
				3,72,328	9
				16,80,000	
				8,00,000	
				18,500	
				3,00,000	
				3,10,38,505	5

## A P P E N D I X, N<sup>o</sup> 14.

### N<sup>o</sup> 10. REMARKS on the ESTIMATE.

#### SERVICES to be provided for

1. *Army.*—This Sum is the Amount of General Clavering's Estimate, entered on the Consultations of the 13th of March 1775, which provides for the whole Pay and Allowances of the Army at present kept up, with every established contingent Expence, and supposes One Brigade to be constantly maintained on the War Establishment.

In Addition to the ample Provision made for the established Pay and Allowances of the Army, I allow Rupees 26,65,000 for Military Stores and all extraordinary unforeseen Expences. From the whole Charge for the Army I should have a Right to deduct the Pay of One Brigade, borne by the Nabob of Oude, amounting to Rupees 31,20,000 per Annum, and the annual Saving of the fixed Pay and Allowances of Officers lately appointed to his Service, amounting to Current Rupees 1,08,131. There is no Likelihood that either they or the Brigade will be withdrawn from thence for many Years. The Saving on these Articles, which ought to remain in the Treasury, and be a Resource against Emergencies, is very great, and, strictly, I might take Credit for it; but I mean to make the Estimate so liberal, as to obviate all Cavils or Objections. The Estimate for 1775, formed by the Accountant General, allows but 82 Lacks for the same Services for which the present Estimate allows 94,29,264. The Sum ought greatly to exceed the real Expence: If it is not equal to it, the Overcharge must be attributed to such gross and extravagant Abuse, as no Government ought to submit to.

2. *Fortifications.*—The exact Sum limited by the Company for this Service, and all Repairs, reckoning the Current Rupee at Two Shillings.

3. *Investment, &c.*—This Sum supposes the Provision of Cargoes for Six Ships, at Fourteen Lacks and a Half of Current Rupees per Ship, and of Five Lacks Eight thousand Rupees for all Expences of Factories, and other Commercial Charges.—N. B. The Company's general Allowances of House Rent and Salaries to the different Ranks of their Servants (except those of the Members of the Board of Trade) are provided for under the Head of the General Department. The Accountant's Estimate proposed but Eighty Lacks of Current Rupees for the Investment. The Company will judge whether the Sum of 92,80,000, now allowed for all Charges on this Head, would not, if fairly applied, produce them as great an Investment as it would be prudent to demand, or reasonable to expect, consistently with the Welfare of the Country; on which the permanent Duration of this great Tribute must depend.

4. *Marine.*—This Sum is the Average of the estimated Expence of the Marine for the ensuing Ten Years. It is formed by the Marine Paymaster, and is very liberal.

5. *Remittances to the other Presidencies.*—The Extraction of Twenty Lacks of Rupees per Annum, added to the Sums constantly sent to Europe, is a Drain on these Provinces, which they are by no Means able to bear. The Allowance therefore on this Head must in my Opinion be reduced.

6. *Civil Establishment.*—The Three Sums which compose the Total for this Service, are taken from the actual Expence estimated by the proper Officers in each Department. The real Charge in the Revenue Department will soon be reduced considerably below the Sum allowed for it. Juggut Seet's Pension of 1,21,800 Current Rupees, will be paid off in April 1777, therefore, strictly, ought not to be a Charge in my Estimate. Atteram o' Dowla is very old, and Roah-ul-Deen Hussein Cawn very infirm; their Pensions, therefore, amounting to Current Rupees 1,56,888, may be expected to fall in, in a few Years: This shews a Certainty of increasing Resources, and is so much in Favour of the present Estimate.

7. *Lord Clive's Jaghire.*—The Amount of this Article will be a Saving at the End of the Term for which it is granted, and increase the available Surplus in the Treasury.

#### R E S O U R C E S.

*Territorial Revenue.*—The Amount in each Article is the Average of the Three last Years Nett Receipts into the Khalsa (ending in April 1775) including the Government Customs and Salt Duties; which last will of Course increase when the Trade shall be laid open. From the Total, I deduct a general Remission of Ten per Cent. as a Relief to the People; and on this I rest the Saving of the Country. The Distribution will depend on the respective Circumstances of each District. The great Surplus still remaining, leaves no Pretence for not granting it. The Salary of the Roy Royan and Officers of the Khalsa, together with the Expences of the several Revenue Officers at the Presidency, are charged and provided for under the Head of the Revenue Department in the Civil Establishment. The Nett Receipts into the Khalsa on which this Estimate is founded, are exclusive of the Payment of Charges of Collections in the Districts, Salaries to the Provincial Councils, &c. As these Charges will be rather diminished by the present Plan, I conceive the Amount of the Establishment now existing will be an ample Provision for them: This, of course, when regulated, must be added to the Assesment on each District, as it is at present.

2. *Tribute from Rajab Cheyt Sing*—The Allowance of One and an Half per Cent. being made for the Expence of Remittance, the Remainder will come nett into the Treasury.

## A P P E N D I X, N<sup>o</sup> 14.

3. *Duties on Opium*.—I calculate the whole Quantity of Opium on which Duties are to be collected, at no more than 3,000 Chests, of Two Maunds each, at the Rate of 30 Rupees per Maund. The present Contractors have engaged to deliver 3,980 Chests; and when the Trade is laid open, it is probable the Produce will increase.

4. *Calcutta Customs*.—A Medium of the Three last Years Nett Receipts, all Charges deducted.

5. *Bills on Europe*.—This is the Sum to which the Court of Directors have limited this Presidency for the Two last Years.

6. *Cargoes from Europe*.—This is rather less than the usual Amount of the Annual Produce. The Demand for European Commodities, particularly coarse Cloth, is likely to increase.

7. *Mint Duties*.—The same Sum for which Credit is taken by the Accountants General in their Estimate.

8. *Certificates*.—This is calculated at the Rate of £.5,000 sterling for each Ship.

With regard to the unappropriated Surplus, amounting to Current Rupees 37,99,043. 15. I need only observe, that it promises to be an increasing Fund, and that of itself it constitutes as great a Resource against unforeseen Emergencies as any State need or ought to reserve for that Purpose. Far from endeavouring to increase this Fund, I conceive, that when One Year's clear Amount of it shall be realized in the Treasury, a proportionate Remission should in future be made in the Collections; otherwise the accumulating Surplus would by Degrees absorb all the circulating Specie of the Country.

Fort William, 12th March 1776.

Sir,

As the Property of the Zemindars in their respective Lands, though never doubted or disputed in Bengal, may possibly be the Subject of a Question in England, and as the just Decision of this Question is of great Importance to any future Settlement of the Country, I have thought it necessary to support the Right of the Zemindars by some farther Proofs, in Addition to those which I have already submitted to the Honourable Court of Directors in my Address by the Hillsborough.

In order to make the Argument complete on this Subject, I must request that you will obtain their Permission to substitute the inclosed Paper in the Place of the Note on the First Page of the Plan.

I am,

Sir,

Your most obedient Servant,

P. Francis.

Peter Michell, Esquire,  
East India House,  
London.

### N O T E.

The inheritable Quality of the Lands is alone sufficient to prove that they are the Property of the Zemindars.

The Right of the Sovereign is founded on Conquest, by which he succeeds only to the State of the conquered Prince, unless in the first Instance he resolves to appropriate or transfer all private Property by an Act of Power in virtue of his Conquest. So barbarous an Idea is equally inconsistent with the Manners and Policy of the British Nation. When the Moguls conquered Bengal, there is no Mention in any historical Account that they dispossessed the Zemindars of their Lands; though it is frequently observed, that where they voluntarily came in and submitted to the new Government, they were received with Marks of Honour, and that Means were used to gain and secure their Attachment.

Only Two Motives could have induced the Conqueror to such an Act of Violence as changing the Property of the Lands; Favour, or Money: In the first Case, his Followers and the Companions of his Victory would have been most likely to obtain Possession of the Lands, and some Traces of their Descendants would be found at present.

If Money had been his Object, the Mussulmen Historians would have made mention of the Sum so acquired, as they carefully and pompously mention the Value of all Acquisitions made by their Kings or Generals. It is true, the Forms of the Royal Sunnuds, or Grants to the Zemindars, suppose them to hold of the Sovereign *in Capite*; but this I consider as a Kind of Feodal Fiction, of which the Sovereign in fact never pretended to avail himself, as constituting a Right to resume or transfer the Possession. When he grants Jaguirs or Lands for religious Purposes, his Order is addressed to the Zemindars, Chowderies, and Talookdars; the Land continues to be deemed a Part of the Zemindary, the Sovereign only grants the Rents of it; the Grantee or Jagheerdar never calls it his Zemindary or Talookdarry.

In addition to this Evidence, it is material to observe, that the late Administration, who either dispossessed most of the Zemindars of the Management of the Lands, or took no Measures to restore them, constantly describe them as the *Hereditary Proprietors*; and upon this Principle allowed them a Pension or Tythe of the Gross Produce for their Support.

The Conclusion to be drawn from the preceding Facts, is supported by the direct Authority of those Persons who by their Offices here must be supposed to have a perfect Knowledge of the Laws and Customs of Indostan, and of the established Policy of the Mahomedan Government. The Roy

Royan

## A P P E N D I X, N<sup>o</sup> 14.

Royan and Canongoes are competent Judges of the Custom of the Country, and of the Usage of the former Government: The Pundits are the Expounders of the Hindoo Law; Mahomed Reza Cawn, Naib Suba of Bengal, is appealed to for the Law of the Coran and the Policy of the Mogul Conquerors; and Rajah Shitabroy, Naib of Patna, proves the Custom of the Bahar. These Persons were directed by the late President and Council, in April 1773, to furnish the Board with Answers to certain Questions severally proposed to them, concerning the Inheritance of Zemindars. As their Opinions concur, and leave no Room for any farther Question on the Subject, it may be useful to state them in this Place.

The following Extracts are taken from the Consultations in the Revenue Department.

Fort William, 6th April 1773.

The Decision of the Right of the Succession depending upon the Laws of the Cast or Usages of the Country, which may occur in many other Instances of the like Nature;

Resolved, That the following general Questions be put to the Roy Royan and Canongoes, to be by them resolved according to the Usage of the Country Government of Bengal; and to the Pundits, who have been assembled for the Purpose of preparing an Abstract of the Hindoo Laws, to be by them resolved according to the Laws of the Gentooes.

1. Whether lineal Descent conveys an absolute Right to the Succession, independant of Government, or whether an Act of Government is necessary to establish that Right?
2. Whether Succession to Zemindaries is valid in the Female Line?
3. Suppose the elder Branch to have passed through Four successive Generations, and become extinct, and the Fourth in Descent from the Second Branch to be living, has the Survivor of the Second Branch, who has no Possession, a Right by the Laws of the Shastah, or by the Usages of Bengal, to succeed to the Zemindary vacant by the Extinction of the elder Line; or does it revert to Government?
4. Through how many Generations does the Line of Succession to Inheritance of Zemindaries extend without Possession, and when does the Right revert to Government?

Fort William, 27th April 1773.

The Superintendant of the Khalsa delivers in to the Board Two Copies of the Questions proposed in Consultation of the 6th Instant, with separate Answers to each from the Roy Royan and other Officers of the Khalsa to one Copy, and from the Pundits, to whom they were referred, to the other Copy.

Answer from the Roy Royan and Canongoes.

1. After the Death of a Zemindar the Zemindary devolves to his Son, although the Country belongs to the King, and may indeed give it to whom he pleases; but it is neither conformable to the Justice nor the Custom of the Country, that he give it to any other. In case the deceased Zemindar has left a Son, the Son has a Right to take Possession of his Father's Zemindary; but it is usual for the Son of a Zemindar, after his Father's Death, to repair to the Presence, and present a Niezzar to the King, that a new Sunnud may be made out in his Name; for until he can produce a Sunnud, the Mutfuddies and other Officers of the Sircar will not acknowledge him as Zemindar, therefore it is necessary that he should produce a Sunnud.
2. A Daughter does not succeed her Father in the Zemindary during the Life-time of her Mother, unless the Father has expressly appointed her (in his Will) to be his Heiress; but she takes Possession before either her Father's Brother, or her Father's Brother's Son. It is necessary that she should obtain a Sunnud, which is customary for the King to grant. She cannot of herself take Possession of the Zemindary.
3. If the Zemindar leaves behind him Two Sons, the Descendants of the Youngest, in case the Family of the Eldest is extinct, become entitled to the Zemindary, provided the last of the Family of the Eldest appointed them his Heirs by Will; otherwise the King may indeed grant it to them as a Favour, but is at Liberty either to keep it himself, or confer it on whomsoever he pleases.
4. Dispossession is by many different Ways. Should any Zemindar die during the Minority of his Son, and none of his Agents are of sufficient Credit to repair to the King's Presence, to give Security for the Malguzary and obtain Sunnuds; and should any of the Zemindar's Copartners, or any one else, either by his Intrigues at Court have obtained a Sunnud and acquired Possession of the Zemindary, or been invested in it by virtue of the King's Authority, without any apparent Fault on the Part of the deceased Zemindar's Sons; or in case those Sons should die without ever having had Possession of the Zemindary, and a Grandson of the Zemindar should claim the Zemindary; he will in those Cases be entitled to it both by the Laws of Equity and Right of Inheritance. Should the Zemindar's Son not have been able to discharge the Revenue, or have otherwise offended against his Majesty, in that Case it is his Majesty's Prerogative to dispose of it to whomsoever he pleases. If after the Zemindar's Decease, none of his Sons or Grandsons should ever have been in Possession of the Zemindary, it in that Case devolves to the King.

Answer



## A P P E N D I X, N<sup>o</sup> 14.

### Answer from the Pundits.

1. Upon the Death of a Zemindar the Ground belongs to his Son, as also all his other Effects, Whether or not the King's Sunnud is necessary to put him in Possession, is not written in the Shafter.
2. Should this Zemindar have neither Son, nor Wife, nor Grandson, nor Great Grandson, his Daughter will enjoy the Zemindarry.
3. The Descendants of the younger Brother, according to the Shafter, will succeed to the Zemindarry.
4. While there remain any Sons or other Descendants or Heirs, the Zemindarry will not fall to the Government; where there are no Heirs then it will fall.

(Signed by)

Banessur Shurmun,  
Kerparam Shurmun,  
Seteram Debe Shurmun.

Fort William, 1st June 1773.

From Mahomed Reza Cawn.

#### Answer to Question 1st.

According to the Law of the Coran, a Son has a Right to succeed his Father in a Zemindarry, independantly of any Sunnud from the King; nor is it in the King's Power to dispose of it as he pleases, his Right only extends to the receiving of its established Revenue.

#### Answer to Question 2d.

In Case of there being no other Heir, a Daughter is, agreeably to the Law of the Coran, Heiress to the whole of her Father's Estate, and can take Possession of the Zemindarry left by her Father; but should there be other Heirs, she has then only a Right to share, as decreed in the Holy Scriptures.

#### Answer to Question 3d.

In the Cases proposed in this Question, the Descendants of the younger Brother, as far as his Grandson's Grandson, when neither he nor they had Possession of the Zemindarry, are, according to the Laws of the Coran, entitled to it; nor does the King's Right extend farther than over its established Rents.

#### Answer to Question 4th.

So long as there are any Heirs of the Zemindar remaining, even should they not have been in Possession of the Zemindarry for many Generations, the Zemindarry does not become the Property of the King; nor has he, agreeably to the Laws of the Koran, any Right over it, further than the receiving of its established Rents.

### Answer from Shitabroy.

#### For Bahar.

Answer 1st.—When a Zemindar dies, his Son succeeds to the Zemindarry, according to the Custom of the Soubah of Bahar, but the King is entitled to the Revenue of it. The great Zemindars, for the Sake of the greater Security, receive a Sunnud from the King; the King never grants one but to the lawful Heir. In case the Heir is not able to pay the Revenue, he may sell the Zemindarry, which becomes the Right of the Buyer, but it is necessary that he should receive a Sunnud.

Answer the 2d.—A Daughter can inherit the Zemindarry, provided her Father bought it and put her in Possession, with the Testimony of his Relations, before his Death. If the Zemindarry descended to him from his Ancestors, it becomes the Property of their Descendants, and not of his Daughter. If there are no such Descendants, it is then the Right of the Daughter.

Answer 3d.—If none of the eldest Brother's Line is living, and the Zemindarry descended from the late Zemindar's Ancestors, it is the Right of the Descendants of the younger Brother. If the late Zemindar himself bought it, and during his Life-time appointed no Heir, it doubtless devolves to the King.

Answer 4th.—In case after a Zemindar's Death his Sons happened to obtain Possession of it, when they afterwards appear and claim it, and are ready to pay the Revenue, the King's Officers, considering their Hereditary Right, will give them Possession, even after some Generations. The Revenue belongs to the King, but the Land to the Zemindar.

# A P P E N D I X, N° 15.

## GOVERNOR GENERAL'S NEW OFFICE.

Extract of the Governor General's Minute, in the Secret Consultation of the 7th of December 1775, in Reply to the Minute of General Clavering, Colonel Monson, and Mr. Francis, dated 18th October 1775.

Messrs. Clavering, Monson, and Francis's Minute.

Mr. Hastings's Reply:

EVERY Member of this Board must know and believe, that no Man feels it more sensibly than the Governor General himself, that since the Transfer of the Lands from the original Owners to the present Farmer, and since the Abolition of the local Jurisdictions exercised by the Zemindars in their respective Zemindaries, which followed that Transfer, the internal Government of the Country has fallen into a most alarming State of Confusion.

By the Constitution of Bengal the Zemindar presided in the Criminal Court of his District, pronounced and executed Sentence on all Offences less than Capital, and was answerable to the Nazim for the Peace and good Order of the Country, as far as his Jurisdiction extended. An Institution of this Nature might undoubtedly be liable to Abuses; but it was conformable to the Manners and Prejudices of the People, who looked to their Chiefs alone for Justice and Protection: It made an essential Part of the Constitution of the Country, and could not be abolished without breaking that regular Chain of Subordination and Dependances, by which the Government and the People were united in One Political Body.

I CANNOT subscribe to the Opinion which is quoted as mine in this Paragraph: In the Plan which I delivered in to the late Board of Revenue, on the 19th of April 1774, and to which I suppose it alludes, I mentioned, as one Cause of the Increase of Robbers, "the Removal of that Claim which the Public, by immemorial Usage, before possessed, to the Restitution of all Damages and Losses sustained, by the Zemindars of the Country." It was not "the Abolition of the local Jurisdiction exercised by the Zemindars;" but of the Disuse of the Penalty, to which I in Part attributed those Disorders. The Farmers possessed the same Power which the Zemindars had exercised before, but the Penalty was not exacted from them, because, as I have stated it in the same Minute, it would have fallen ultimately on the Government itself; and so it would if the Zemindars had been left in Possession, and the Penalty exacted from them, unless such a Share of the Rents had been allowed them, as was retained by the Zemindars when they held their Lands in a less Degree of Dependence on the Government; which has not been the Case for many Years before I returned to this Country, or even before the Acquisition of the Dewanny.

The Nature of the Jurisdiction which the Constitution of Bengal allowed to the Zemindars, as it is explained in the opposite Paragraph, differs very widely from the Idea which I have always entertained of it. I venture to pronounce with Confidence, that "by the Constitution of Bengal the Zemindar neither presided in the Criminal Court of his District, nor pronounced nor executed Sentence on all Offences less than Capital;" nor on any Offences whatever, except the Non-payment of the Rents. "He was answerable, it is true, for the Peace and good Order of the Country, as far as his Jurisdiction extended;" but only as the subordinate Instrument of a larger System. The Land Servants, or the ancient Militia of the Country, were under his immediate Charge, and being distributed throughout the Zemindary, enabled the Zemindar both to watch over its internal Quiet, and to obtain Information of whatever passed in any Part of it; and so far the Foujedary Jurisdiction is inherent in the Zemindar. In the Exercise of it he was subject to a Foujedar, who had the Superintendence of a District comprehending many Zemindaries; and had the Tannahs or inferior Stations under the Charge of Officers and armed Men, dependant on him, besides a Part of the Land Servants of each Zemindary, the rest being employed to guard the Villages, and enforce the Collections.

It was the Zemindar's Duty to give constant Intelligence to the Nabob through the Roy Royan, and to assist the Foujedar in the Apprehension of Robbers, and in executing the Measures which were required of him for preserving the Peace of the Country; but this Duty first and immediately belonged to the Foujedar, who was the Representative of the Nizam, and "to him the People looked up for Justice and

## A P P E N D I X, N° 15.

“ Protection, even against their Chiefs.” The Foujedar was the Check even upon the Zemindars, who were often, and those of the Dacca Districts always, the Patrons and Abettors of Decoits, whose Haunts and Practices it was their especial Duty to detect. In Effect, the Law or Custom which made the Zemindar responsible for all Robberies committed in his District, whatever might have been the Purpose of its original Institution, operated, and was regarded under the Mahomedan Government, rather as a Punishment for Connivance, than a Fine for Neglects. Many Instances may be quoted of Zemindars who exercised other Powers, and particularly in the oppressive Custom which they had assumed, of levying unlimited Fines from their Ryots, on Accusations of Fornication, and a Variety of other Pretences: Such is the Case in all despotic Governments, especially in those which have undergone frequent Revolutions; but I believe, and I have Authority for believing, that the constitutional Powers of which the general Police of Bengal was composed, will be found to have been exactly as I have described them. The Abuses which were exercised by the Zemindars, and others in Authority, are enumerated, among other Evils, by the Committee of Circuit, in a Letter to the Board, dated the 15th August 1772, in these Words, “ The Zemindars, Farmers, Sheidars, and other Officers of the Revenue, assuming that Power, for which no Provision is made by the Law of the Land, &c.” This is a clear Demonstration that the Zemindars were at that Time regarded by myself and by the Committee of Circuit, as possessing no Right to exercise a judicial Authority; and being written on an Occasion on which we could not be suspected of any Bias, will be admitted by every candid Judge, as a Proof that the Zemindars really did not possess that Right. The Zemindar of Burdwan was allowed the Exercise of a Foujedarry Jurisdiction by a special Sunnud from the Nazim; I believe there is not another Instance, and this is rather a Proof of the Existence of the System which I have described, than an Exception to it, otherwise an especial Sunnud would have been unnecessary.

Extract of Fort William Revenue Consultations, 1st November 1776.

The Governor General delivers in the following Minute :

Governor General—In whatever Manner it may be hereafter determined to form the new Settlement of the Provinces after the Expiration of the present Leases, it will be equally necessary to be previously furnished with the accurate States of the real Value of the Lands, as the Grounds on which it is constructed. To obtain these, will be the Work of much official Knowledge, some Management, and unremitting Labour in compiling and collecting the Accounts of the past Collections, in digesting the Materials which may be furnished by the Provincial Councils and Dewans, in issuing Orders for special Accounts and other Materials of Information, and in deputing Native Officers on occasional Investigations.

It is impossible for the Board to conduct a Business of such Detail, neither can it be left wholly to the Provincial Councils: It requires Uniformity in the Design, Authority in the Execution, and an extraordinary Share of Responsibility, to animate the Zeal of those who are entrusted with the Charge of it.

I therefore propose, that a temporary Office be constituted to execute this Business, under the Conduct of One or Two Covenanted Servants of the Company, assisted by a Dewan and other Officers, either selected from the Offices of the Khalsa, or occasionally chosen for special Commissions; that for the Sake of Dispatch, all Orders issued from this Office, for the Execution of such particular Services as shall have received the general Sanction of the Board, be written in the Name of the Governor General, and the Controul of it be committed to his immediate Charge.

Besides the immediate Duty of this Office, which I have above described, and which I suppose to be indispensably necessary and essential to the Formation of an equal Settlement, many other Points of Enquiry will be also useful, to secure to the Ryots the perpetual and undisturbed Possession of their Lands, and to guard them against arbitrary Exactions. This is not to be done by Proclamations and Edicts, nor by Indulgences to the Zemindars and Farmers. The Farmer will not be obeyed, unless enforced by Regulations so framed as to produce their own Effect without requiring the Hand of Government to interpose its Support; and the latter, though it may feed the Luxury

## A P P E N D I X, N° 15.

of the Zemindars, or the Rapacity of the Farmers, will prove no Relief to the Cultivator, whose Welfare ought to be the immediate and primary Care of Government.

The Design of establishing new Pottahs for the Ryots, the Failure of which has been often objected to as a Reproach on the late Administration, has been tried with equal ill Success by the present, in their late Settlement of Burdwan; where, notwithstanding the solemn Engagement of the Zemindars, and the peremptory Injunctions of Government, not a Pottah has yet been granted (if my Information is true, and it may be easily proved) nor will be granted, of a different Tenure from those which have been customary for some Years past, unless more regular Means are taken to produce them. Future Effects may be concluded from such simple Causes without the Spirit of Prophecy. It is the Zemindar's Interest to exact the greatest Rent he can from the Ryots; and it is as much against his Interest to fix the Deeds by which the Ryots hold their Lands and pay their Rents, to certain Bounds and Defences against his own Authority. The Foundation of such a Work must be laid by Government itself: All that I would here propose is, to collect the Materials for it, by obtaining Copies of the present Pottahs, and of the Nerie Bundee, or Rates of Land, by which they are regulated in each District, and every other Information which may throw a Light on this Subject, and enable the Board hereafter to establish a more permanent and regular Mode of Taxation.

Ordered, That it do lie for Consideration.

### [ Extract of Fort William Revenue Consultations, 5th November 1776.

Mr. Francis delivers in the following Minute in Reply to the Governor General's, entered on the close of last Day's Proceedings.

Mr. Francis—I have considered the Governor General's Proposal for the Institution of a new Office in the Revenue Department, for the Purposes therein described, with the strictest Attention, and with every Disposition which the Governor himself could wish to impress upon me, to co-operate with him in the Plan and Execution of the ensuing Settlement. I deem it my Duty, in the first Instance, to deliver my Sentiments freely on every Measure which has Relation to this important Subject; in the next, to assist even in the Conduct of Arrangements which I may not approve, and to promote their Success when once they are resolved on; in this Respect my Conduct, after a Resolution taken, will not be affected by the Opinion I may express in the previous Debate. The Governor has been long acquainted with my general Opinion on the Subject of a permanent Settlement, and I persuade myself will not attribute my Disapprobation of the Proposal now before me, to any other Motive but those which I profess.

If nothing else were in question but the Institution of a temporary Office for the Dispatch of a voluminous and intricate Business, to collect and methodize confused Materials, and to make Enquiries, or to issue Orders purely of Detail, in the Name of the Governor, under the general Sanction of the Board, I should yield to it without Difficulty, whether convinced or not of the Utility of the Institution. The Person on whom the principal Share of Responsibility will fall, ought to be assisted in that Way in which he may chiefly think he wants Assistance.

My Objections go to the avowed or implied Principles of the Plan, in the Formation of which the new Office is to be employed. I collect the Principles of the Governor's Plan from the Enquiries he intends to make; the Nature of the Information he proposes to obtain, suggests to me the only Purpose to which it can be applied; it is possible however that I may be mistaken in both Instances.

First proposed Object, “To be previously furnished with accurate States of the Value of the Lands, and these to be obtained from the Accounts of the past Collections, from Materials furnished by the Provincial Councils, from special Accounts, and other Materials of Information, and by deputing native Officers on occasional Investigation.”

I would first ask, What is the Purpose of this accurate Valuation of the Lands? Is it meant to exact from the People the utmost Revenue they can possibly pay? Or shall we content ourselves, once for all, with such a Revenue as the Services of Government, constituted as it is at present, indispensably require?

If the First was a just or attainable Object, it ought to have been effected by the Committee of

Circuit's Settlement. The Lands were let to the highest Bidders, without any other Consideration, for the avowed Purpose of ascertaining the utmost Revenue which Government could obtain from them: The actual Collections made on this Plan ought therefore to be admitted as the Test of what the Country upon the Whole will pay. In this Sense I am convinced it will prove too much, because no fair Conclusion can be drawn from a temporary Rack Rent to a permanent Revenue.

If at this Time any more particular Informations are necessary, I wish to know of what Nature they are, and from what Sources they are to be procured? Will the Farmers, or any of their Agents, furnish us with Accounts of their actual Collections? That is, will they make us acquainted with the Profits, merely because we ask them; especially after all of them have applied for Remissions, and many have obtained them? Hitherto their Communications to Government exhibit nothing but

Loss,

Loss, Deficiency, Balances, and the Necessity of Remissions: If they give us any Mofussil Accounts whatsoever, we may be assured that such Accounts will be falsified. Neither can we expect more credible Information from the Zemindars, whom we have dispossessed of the Management of their Lands, and removed from any Concern in the Collections; or whom we have reduced to the Condition of Farmers, and of course obliged to act upon the same Principles: These are the very last People from whom, in their present Circumstances, we have any Right to expect Assistance. A System of Taxation, which avowedly aims, or is supposed to aim, at raising the greatest possible Revenue, is in its Nature hostile to every Species of private Property, and tends to make every Proprietor an Enemy to Government. To such a System the People of this Country have nothing to oppose, but a Concealment of whatever Means or Fortune they have left. This is their only and last Defence, and this it is supposed will be given up without Difficulty, upon the first Attempt of Government to penetrate through it.

But perhaps it is meant to obtain the proposed Accounts from the Ryots themselves. In that Case some Millions of the lowest Order of the People are to be separately asked, what each of them has paid in any given Period to the Farmer or Collector immediately above him; and Government must not only confide in the Truth of his Answer, but in the Exactness of the Report of it. Now I apprehend it is not the Interest of the Ryot to speak the Truth in any Case. In answer to such an Enquiry, if he supposes it made for the Purpose of giving him Relief, he will exaggerate his Distresses, and the Oppression he labours under. But as his Experience is not likely to suggest that Idea to him, and as Diffidence, Distrust in Government, and Fear of any Alteration, is the first Principle of Action with the Natives of all Ranks, he will probably suspect that the Enquiry is not made for his Benefit, but either with a View to load him with new Taxes, or to continue him at the utmost Rate he has ever paid; in this Case he will sink the Amount of his actual Payments, lest what he is able to pay in future should be determined by what he has paid heretofore.

Let it be supposed, nevertheless, that by some Means or other all Difficulties are overcome, and that we are in Possession of exact Copies of the Accounts of the Mofussil Collections; I then wish the Board to consider what an enormous Mass of loose, confused, and intricate Bengally Accounts will be thrown upon our Hands; out of which Two of the Company's Servants, with the Assistance of a few Native Officers, are to draw clear, distinct Abstracts of the actual Collections of every Village in the Three Provinces: All this must be done some Time before April next; and Government is to be so well assured of the Accuracy of the Account, that we may safely make it the Foundation of our Settlement. The complex Idea which the whole Operation gives me, is a Union of Confusion and Impossibility, through which I am confident no human Penetration can find its Way.

In considering the Object of the proposed accurate Valuation of the Lands, supposing it attainable, it appears to me that it would be useless, except for the single Purpose of *levying the greatest possible Revenue*. The Valuation could only be true at one given Point of Time. The proportionate Value of Lands fluctuates in all Countries, according to the immediate Industry or Ability of the Owners: In this Country more particularly it depends on Accidents of Droughts, Inundation, or favourable Season, of which no general Calculation can be formed. But this Object I hope and believe is not in Contemplation. An Attempt to annihilate all intermediate Profits between the Ryot and the Government, if it were just and reasonable in itself, I am confident would never succeed, though it would be productive of Mischief in many other Senses; Oppression would still exact, and Fraud pervert from the Receipts of Government, those Profits which we might endeavour to abolish; but in that Case, instead of supporting the natural and lawful Proprietors of the Soil, they would sink with Agents, Collectors, and Farmers, "a Race of Men who have no Bowels for the Contributors, who are not their Subjects, and whose universal Bankruptcy, if it should happen the Day after their Farm is expired, would not much affect their Interest." The Idea itself supposes the Extinction of those successive Ranks of Subordination in Society, through which the Operations of Government descend, by regular and easy Gradations, from the Summit to the Base. When the simple and natural Channels of Authority are quitted or discomposed, the State itself loses that Shape and Proportion which constitute its Strength and qualify it for Duration.

What then is the present Object of Government? We know the Amount of our Expences, and we know in general what the Country can pay; we also know, that in general it has been much over-rated. Our Provincial Councils are able to inform us what particular Districts have been favoured or oppressed, in what Parts the Collections have been realized with Difficulty, and what Districts indispensably require Relief: Our own constant Experience tells us, that upon the Whole there ought to be a Remission. I admit, that an Assessment, formed on these Grounds, may not be perfectly accurate or equal; but this Inconvenience, whatever it may be, is neither capable of a Remedy, nor does it deserve to be regarded.

The Inequalities of an Assessment, in itself not excessive and intolerable, will soon level of themselves, provided all Parties know *with Certainty* the utmost they are to pay, and are assured that they will not be exposed to an arbitrary Increase of Demands on future Improvements. Without a fixed Jumma, I affirm that no Measures whatsoever can save the Country. A conquered Province, especially at such a Distance from the Seat of Empire, can have no other possible Security against the Ministers and Representatives of the governing Power.

I am sensible that my Opinion on this, or any other great political Question, is no Authority: I

desire therefore to support it by those of Men already in Possession of the Public Respect and Esteem. I fear no Condemnation which may involve me with Doctor Smith, Sir James Stewart, and Montesquieu.

"It is no easy Matter to frame the Valuation of all the Property of a Country; and it is a Scheme I should be very far from proposing, unless the Spirit of a Nation took such a Turn as to wish it: But where a determinate Sum has been in use to be levied upon a certain District, it does not appear so difficult to make a proportional Distribution of it according to Equity, and to adhere for the future to that Distribution, considering it as a *proportional* Valuation, if not a *real* one. This is done every Year, and without it no such Tax could be raised: But when *Annual* Distributions are made, Discontents constantly arise, and the pretended Equality thereby observed, produces worse Effects than the Inequalities which would follow from the other Scheme, because the Change in the relative Value of Possessions would then be chiefly owing to the Industry of every Proprietor in improving his Lot." *Vide Sir J. Stewart's Enquiry into the Nature of Pol. Economy, Vol. ii. Page 563.*

"A fluctuating annual Valuation, which is the Case in France, produces numberless Inconveniences; and upon the Whole, they are far greater than those which it is intended to avoid.

"I agree, that the same Land may be worth more one Year than another; but it is impossible by a fluctuating Valuation to ascertain that Difference over a whole Country, to the Satisfaction of every one; and although by fixing it at one Rate upon every Possession, Inequalities must take place, yet fixing it from rising in Proportion to Improvement, will prove an Encouragement to Industry, which will greatly over-balance such an Inequality; every one then will be in the Way of acquiring an Addition to his Income, free of Land Tax; and if this be thought too great an Encouragement to Improvement, let the Regulation be only fixed for a determinate Time, suppose a Century; this is no more than giving every one, as it were, a Lease of their Land Tax for a hundred Years; and Experience shews, that without granting long Leases, it is impossible that Lands should ever be improved." *Vide D<sup>r</sup>, Vol. ii. Page 578.*

"The Uncertainty of Taxation encourages the Insolence and favours the Corruption of an Order of Men, who are naturally unpopular, even where they are neither insolent nor corrupt. The Certainty of what each Individual ought to pay, is, in Taxation, a Matter of so great Importance, that a considerable Degree of Inequality, it appears I believe from the Experience of all Nations, is not near so great an Evil as a very small Degree of Uncertainty." *Vide Doctor Smith's Enquiry into the Nature and Causes of the Wealth of Nations, Vol. ii. Quarto, Page 424.*

"In forming a Register of the different Classes of Landed Property, it is very difficult to ascertain the several Differences, and still more so to find People who have no Interest in misstating them. This creates Two Kinds of Injustice, that which is in the Officer of Government, and that which is inherent in the Thing itself; but if on the Whole the Tax be not excessive, if it still leaves Plenty to the People, these particular Inequalities are of no Moment; if on the contrary, nothing is left to the People but what is precisely necessary for their Existence, the least Disproportion will be of the greatest Importance." *Montesquieu, B. xiii. C. 7.*

The Second Object of the proposed Office is, "To secure to the Ryots the perpetual and undisturbed Possession of their Lands, and to guard them against arbitrary Taxations; this is to be effected by new Pottahs, formed on an Inspection of the present Pottahs, and of the Rates of Land, by which they are regulated in each District."

Before I enter farther into the wide Field which this Part of the Plan opens to me, I must clear it of an Argument used by the Governor, which I think represents but a Part of the Fact it refers to; it is asserted, "that not a Pottah has yet been granted in Burdwan, notwithstanding the Zemindars Engagement, and the Injunctions of Government."

The Time limited for granting such Pottahs is not elapsed, and I do not yet despair of some Degree of Success; for the rest, I shall content myself with remarking, that the Measures of a divided Council may be defeated by Difficulties external to them; and that a Failure proves nothing, but that the entire Strength and Influence of Government did not accompany the Execution. This, I fear, may happen in other Instances, as long as the Merits and Success of one Part of the Administration can be interpreted as a Reproach, or viewed with Dissatisfaction by the other.

It is proposed to secure the Ryots the perpetual and undisturbed Possession of their Lands. This Language I know is popular, and has been often used, without any apparent Benefit to the Ryot, to countenance and give a Colour to Acts of Violence and Injustice against the Zemindars, and other superior Ranks of the Natives. The real Question is not clear perhaps to every Apprehension, but it is very material not to mistake it. Before we give perpetual Possession, we ought to determine the Property. This State does not consist of nothing but the Ruler and the Ryot; nor is it true that the Ryot is Proprietor of the Land; it is not even necessary that he should be so, either for his own Benefit, or that of Government. The Scheme of every regular Government requires that the Mass of the People should labour, and that the Few should be supported by the Labours of the Many; who receive their Retribution in the Peace, Protection, and Security which accompanies just Authority and regular Subordination. The supposed *Luxury* of the Zemindars is, I confess, a new Idea to me. The *Rapacity* of the Farmers is not to be disputed. But it does not follow, that



because the Ryot has no direct permanent Property in the Lands, he should therefore have no *Rights*; or that no Care should be taken to protect him. Without his Assistance the Land is useless to the Zemindar. If they are left to themselves, they will soon come to an Agreement, in which each Party will find his Advantage: The Pottah is the Evidence and Security of this voluntary Agreement. In the present State of the Country, the Ryot has in fact the Advantage over the Zemindar. Where so much Land lies waste, and so few Hands are left for Cultivation, the Peasant must be courted to undertake it; at all Events, the Interposition of Government between them, should have no Object but to enforce the Execution of their respective Engagements. To dictate the specific Terms of every Lease, is an Invasion of the Rights of Property in the first Instance: It is a Business of Detail, which no way belongs to Government, which we are in no Sense equal to, and which carries a vexatious Scrutiny and an arbitrary Exertion of Power upon the Face of it. Government, after assessing the Zemindar or Landlord according to his Portion of the Public Revenue, is supposed to enter into the Management of his Patrimony, and to prescribe to him the Rates at which he shall be obliged to parcel it out to his Tenants.

The Idea of *guarding the Ryots against arbitrary Exaction*, is just and attainable, though not by the Method proposed; but I affirm, that it is wholly incompatible with the Principles of a Government, which claims and exercises a Right of arbitrary Taxation, and whose professed Object is to exact the *greatest possible Revenue* from the Country. Let us begin with setting an Example of Justice and Moderation to our Subjects: Let us proportion our Demand to *our* Necessities, not to their utmost Abilities. A mild and equitable Government will gradually extend and communicate the Principles on which itself acts, to the Ranks and Powers subordinate to it. Tyranny creates Tyranny, and is obliged to support it.

Upon the Whole, I cannot be more clearly satisfied in any Opinion, than that the Governor General's Plan tends to load him with an enormous Detail of Business, which it is impossible for him to accomplish; that the proposed Accounts cannot be procured, without dispersing a Multitude of indigent and rapacious Black Officers through the Country; that if attainable could not be depended upon; and that if they were even so accurate, they ought not to be the Ground of the ensuing Settlement.

(Signed) P. Francis.

Extract of Fort William Revenue Consultations, 12th November 1776.

The Governor General recommends the following fixed Establishment for the Office proposed in his Minute of the 1st Instant.

Establishment

# A P P E N D I X, N<sup>o</sup> 15.

## Establishment for the Office.

Mr. David Anderson	} Superintendents, } at 1,200 R <sup>s</sup> each	2,400
Mr. George Bogle		
Persian Translator	—	200
Writers	—	300
Office Rent	—	400
Candles and petty Charges	—	50
		<hr/> 3,350

## Native Officers.

A Peishcar.		
A Naib	—	250
A Sheristadar	—	100
Five Persian Moheriers, at 50	—	250
5 Bengal D <sup>o</sup> , at 40	—	200
2 Moonshies	—	150
2 Ditto	—	60
A Head Moherir, for translating	—	100
2 Under Moherirs	—	80
A Merdah	—	20
10 Peons	—	40
A Jemidar	—	15
10 Hircarrahs	—	50
2 Dufferbunds	—	10
2 Frashes	—	8
A Muffalchy	—	5
A Iharoo	—	3
Oil, Candles, &c.	—	30
Paper, Pens, &c.	—	100
		<hr/> 1,471
		<hr/> 4,821

## Occasional Aumiens, and other incidental Charges.

These cannot be fixed, nor estimated.

He has annexed the Names of the Gentlemen whom he wishes to be nominated to the Superintendence of this Establishment, because he considers them as essential Parts of it, having made Choice of them as Persons endowed both with Talents and Knowledge peculiarly adapted to the Duties assigned them, and on whose Dispositions he can entirely depend for their cordial Agreement with each other in the Discharge of them. He recommends Mr. Henry Vansittart to be the Persian Translator. He also recommends that the Office of Peishcar be assigned to Gunga Govind Sing, the Naib Dewan of the Khalsa, and that he be allowed 700 Rupees per Month for his Salary as Naib Dewan of the Khalsa only, none having been yet allotted to that Station.

The known Abilities of Gunga Govind Sing will justify the Preference shewn to him in this Appointment. The Business in its Detail must be conducted by a Peishcar. The Gentlemen to whom the Governor General proposes to commit the Direction of it, will think it no Degradation from their Characters, of which no Man can have an higher Estimation than he has, or a more perfect Reliance on their Integrity, if he expresses it as his Opinion, that the greatest Experience which can fall to the Lot of any Covenanted Servant of the Company will prove unequal to the minute Investigation of all the progressive Operations of the Revenue in this Country, without the Aid of that professional Knowledge which is possessed by the Native Muttasuddies of Bengal, of whom Gunga Govind Sing is incontestibly the First.

For the Reimbursement of the Charges of this Office, should the Amount prove so considerable as to require it, a small Fee may be taken on each Aumil-nama or Cabooleat to be granted in the future Settlement; which will not affect the Jumma, nor be felt at such a Time by those who will be required to pay it.

(Signed) Warren Hastings.

Mr. Barwell—I approve.

Mr. Francis—My Objections to the Measure itself have been stated at large. As they have been over-ruled by a Resolution of the Board, I shall make no others.

Resolved, That the Office be established, and the Appointments made, as proposed by the Governor General.

Ordered, That the Secretary advise Messrs. Anderson and Bogle of their Appointments.

Extract

Extract of Fort William Revenue Consultations, 12th November 1776.

Mr. Barwell delivers in the following Minute:

Mr. Barwell—I assent to the Governor General's Minute. A Computation and Digest of Materials wherein to form a new and permanent Settlement of the Provinces, must be useful, and is in my Opinion unavoidable. The last Leases have furnished the Means which will give an Insight into the real Value of the Lands; but these Means are not yet in our Possession, and may still leave something for compleater Discovery, and for the Guidance of a Decision on which the Prosperity of an extensive Kingdom, for a considerable Period, is probably suspended. No Researches can be too minute, no Informations too voluminous. I see my own, and I see the Situation of every Member of Council, to be equally delicate upon this important Affair; an Affair liable to be viewed in various and even opposite Lights, and to be canvassed in every Step of its Progress. The grand Object in which all our Sentiments unite, and to the Necessity of which we all subscribe, is a solid Establishment of the Revenues upon an abated Taxation; but it is not my Opinion in support of Mr. Francis, or any other Member of Administration, that will impress a Conviction of this Necessity upon the Minds of those whose distant Situations debar them from all Possibility of personal Observation.

My own Sentiments, it is true, are clearly for a Reduction of the Revenue, as absolutely requisite for the future Welfare of this Country; and while I heartily coincide with Mr. Francis in most of his general Ideas upon this Subject, so far as they clash not with the peculiar Customs of Bengal, I think they may well be reconciled to the Investigations proposed by the Honourable Governor; and that our Judgment in so interesting a Business should be formed upon the best Principles of Accuracy.

To let this Matter in the clearest Point of View, let us consider it from the Governor's Proposition for the Institution of a temporary Office. A new Settlement of the Provinces will be necessary upon the Expiration of the present Leases: We are unanimously agreed, that a fixed Valuation should take place in the Revenues, and that some Diminution should be made in the present Rents: Lastly, we propose that this important Settlement should be permanent. On such a Step we would surely endeavour to convince the Company, whose Agents we are, and whose Prosperity is blended with that of this Country, that we have not negligently slumbered over their Interests, or omitted any possible Mode of ascertaining the true and ultimate Value of their Possessions: Nor is this all, we would convince them decisively, that no future Administration may have the smallest Opening to hint, that deeper Researches might have produced a more equal and equitable System for the Natives, and a more advantageous Bargain for our Employers. Another good Effect to which we should turn our Thoughts, is that of rendering the Bulk of the People well affected to Government; an Attempt which can never succeed but in their steady Reliance on its Impartiality; and, with all Deference to the high Authorities quoted by Mr. Francis, and in Concurrence with them, I will venture to affirm, that an equitable Taxation is the great Desideration, and should be the first Object, of a good Government, and that such an Attention to the Welfare of the Peasant and the Manufacturer is the Groundwork of a well-regulated State.

The first Improvements of the Revenues, and Relief of the laborious Part of the Kingdom, in France, were projected by the Great Duke of Sully, upon the same Principles, and brought to Effect by an Application of the very same Means, as those now proposed by the Governor General. He commenced with a most extensive and arduous Collection of minute Detail in that Branch, and, from mature Consideration of those detached, voluminous Materials, detected every Species of Artifice and Fraud committed by the Farmers, and employed the Result of his Discovery towards lightening the Burthen upon the Shoulders of the Commonalty.

We now wish to shake off all rival Adventurers; and, instead of farming, to fix the Rates of Lands with the several old Zemindars, wherever it can be done with a Probability of Success. This Mode of Settlement, though it has certainly many Advantages, is yet liable, under certain Circumstances, to very strong Objections; some arising from the Zemindar himself, as his Minority, or that Incapacity for Business, and some from the Nature of the Lands. Besides, as the present proposed System must preclude all Competition of Candidates for the same Lands, by granting them to their Hereditary Proprietors, it necessarily opens a large Field for Indulgence and Partiality, to which the former Mode of Settlement precluded all Access, by allowing the indiscriminate Tender of Proposals. For which Reason, it is clearly my Opinion, that our Employers will but faintly co-operate with our Measures, or ratify our Decisions, if we appear to have hastily employed the Informations gained from the temporary Engagements, which they may possibly think imperfect, as Materials for our own more lasting Establishment, especially while we had in our Hands the Means of procuring more accurate Knowledge, and while we were timely warned by the first Member of the State to exert them.

Therefore, when we propose a more impartial, and at the same Time a reduced Taxation, the least we can do, is surely to give the Company satisfactory Reason for this Drawback upon their Income, and sufficient Evidence that the impoverished State of the Country loudly pleaded for such an Abatement. A Proposition of this Nature does not carry self-evident Conviction upon the Face of it, but must be supported by Argument, confirmed by Experience, and established upon Proofs; by which the present Excess of the Taxation may be made to serve as a Reason, and as the Authority for our Admission of a Decrease. The most probable Method of acquitting ourselves by these

Proofs,

Proofs, is offered to us by the Governor General, in the Proposal of gaining the most accurate possible Accounts of the Payments actually made by the Husbandmen, exclusive of its being essential to the Relief which it may be necessary to give them, before Government can venture to expect any adequate Advantage from fixing the Revenue; add to this, that there seems but small Occasion for doubting the Authenticity of the Materials to be procured. Collateral Informations will always serve as a Check upon each other, while every Man is actuated by a separate and peculiar Motive, or so long as there remains a divided Opinion in the World.

I am likewise persuaded, that Administration cannot have a more important Topic of Discussion, or Object of Action, than to define and secure the Rights of the People; and in this Country, where all Territorial Property centers ultimately in Government, and where the Zemindar holds his own Lands but by a Pottah, the same Tenure by which his Under-tenants hold them again from him, I think the public Eye should have a Watch upon those as well as the former. And that it would tend as much to the Interest of the State, as to the Satisfaction of the greater Number of Inhabitants, that all Pottahs should be equally well defined, and be guaranteed from all Violation with an equal Authority.

Portional Property ought as much to be sacred in the Pittance of the Poor as in the Possessions of the rich; and as I have said, "the Welfare of the Husbandman and Manufacturer is the Ground-work of a well-regulated State," it follows, that I deem it to be the first Object of this Government to fence and secure the Ryotts against the arbitrary Power of their Zemindars; otherwise no one Regulation we may resolve on can, in its immediate or remote Consequences, answer the beneficent Design for which it was formed. The Wealth of every Country is to be found in the Wealth of the Community alone, especially in this Country, where the peculiar Manners and Superstitions of the higher Class either influence them to secrete their Acquisitions, to dissipate it in religious Endowments out of the Provinces, or in the ostentatious Folly of giving daily Food and Subsistence to a Number of idle Dependants, who by such Means are totally separated from the Bulk of the People, and who must otherwise have been usefully employed in the Manufactures and Cultivation of the Country. I acknowledge the Task is extremely difficult and arduous; but unless the Rights of the common People are well defined and well secured, I am persuaded all our Speculations will only tend to enrich the Zemindars, and either lock up in their Hands a large Portion of the current Specie, or direct it to the most pernicious Purposes, and precipitate that very Decay we are endeavouring to guard against.

Extract of Fort William Revenue Consultations, 12th November 1776.

The Secretary lays before the Board the following Minute, received from the General on the same Subject.

General Clavering—I have perused with Attention the Governor General's Minute of the 1st Instant; and confess myself at a Loss for Words to express my Astonishment at such an Attempt to wrest out of the Hands of the Council so important a Branch of the Administration of this Country, as the Ordering, Management, and Government of all the Territorial Acquisitions of the Kingdom of Bengal, &c. vested in them by the late Act of Parliament; of which I hold it a direct Breach, being a most illegal Usurpation of the Powers conferred by that Act upon the united Members of this Government; and as such I most solemnly protest against it.

If to elude this Protest it should be stated, that the Object of the Measure protested against is only to collect Materials for future Management, and not to usurp the Ordering or Management itself, let me ask, Why at this Time, when it is notorious that the Government of this Country is in fact vested in the Governor General and Mr. Barwell exclusively, though nominally and descriptively in the Governor General and Council, that the Governor General should propose to have all Orders written in his own Name, and the Controul committed to his immediate Charge?

By the 22d Article of the Regulations of the Committee of Circuit, Orders are to be sent through the Channel of the Board of Revenue to the Collectory.

And will not the Existence of such Authority, unlimited both in Duration and Extent, deprive the other Members of Administration of the Power of taking any further Steps in the Ordering and Management of the Revenues, for the Purpose of forming the new Settlement, although legally indivisibly conferred upon the united Body of the whole Council? And then, will not his Suspension in Effect amount to an Usurpation of a separate Management or sole Controul? which I protest against.

Art. 3. The Forms and Usages peculiar to each District, and the present and improvable State of their Lands requiring a local Inspection, they cannot be known with any Degree of Certainty by remote Observations, or the interested and superficial Scrutinies of the Natives: A Part

SEL. COM. REP. VI.

of

Independent of this, the Plan of establishing an Office under the immediate and sole Controul of the Governor, in order to be furnished with accurate States of the real Value of the Land, or, in other Words, once more to investigate them for the probable Purpose of forming a new Settlement at the Presidency, to be executed by such

I. 1

Powers,

of the Administration itself being upon the Spot, will run less Hazard of being deceived in Intelligence, or disappointed in their Investigations; they will be better able to hear and redress any Grievances which the Inhabitants may prefer to them, and to form such particular Regulations as may be necessary for the Exigencies of each District, or even to superadd others to those which shall be generally and previously resolved on.

Powers, and entrusted in the Hands of such Agents, as will be employed, appears to me incompatible with the Rules of the former Administration of the Revenue, with the Constitution of the Offices already established under the Presidency, and indeed with every political Principle that should regulate a wise Government; in short, solely tending to disturb the Minds of the People, and to throw the whole System of the Administration of the Revenue into Confusion.

All the Mischiefs of the Committee of Circuit will be renewed, by the unjustifiable Hopes it will hold out of acquiring Wealth by obtaining Farms, distributed under the Influence of this new-created Office: The Country will flock to the Presidency, and Europeans and Natives will all crowd the Governor's Levees, in Expectation of sharing a Part of the Plunder.

It is difficult to guess by whom a Project, so big with Mischiefs, could be devised. I am told the Natives however ascribe it to Cantoo Baboo, the Governor's Banyan. He had been absent for more than a Year from the Presidency. He was no sooner returned than the Plan made its Appearance; it is true he is more interested than any Body in concealing the actual Collection of his Farms, and in secreting the Value of his Talooks, which he holds as an Inheritance.

Whether or not I have ascribed the Project to its proper Owner, and have accounted rightly for his Intention in it, it is most certain that it will be carried on and managed under his immediate Influence, and that he will have the Appointment of all the Native Officers under it.

The First obvious Measure of the new Office, must be to establish their own Power and that of their Agents throughout the Provinces; and with what Moderation they will exercise that Power, countenanced and supported as they will be, I leave to Mr. Hastings's Knowledge of the Character of the People to determine. He can well judge whether they are likely to be disinterested in taking the Mofussil Accounts, and *not* shewing Favour where they are most rewarded: He can determine whether they are not likely to disturb the present Collections, and whether, in that Case, the Failure of the present Year's Revenue is to be imputed to the Measures of the late Majority, or to the Appearance of so many rapacious Agents in the Districts. I think it cannot be doubted, but that when it is so much the Interest of the Ryott to conceal his Property, that it is not likely he will withhold a Tribute to the Agent to secure himself against a perpetual Taxation.

The Governor General must know the Necessity there is of holding the Poonah in April for the new Settlement, and for that Purpose, that at least Two Months previous Notice ought to be given of the Intentions of Government in forming it; and he ought therefore to be aware of the Shortness of the Time, and how improbable it is that these Agents, even supposing they were not to be diverted from the Object of their Mission by the Honour and Lucre of their Employ, it will be for them to go through an accurate Investigation of the Accounts of each Village in such a short Period.

Upon a Supposition however that they had over-run the Country, and collected together the Accounts, such as they may be supposed to be, under such Management, then there still remains the Inconvenience of concentrating in the Governor General all the Information which may be obtained by their Enquiries.

If the Eagle Packet, which the Company acquainted us would sail in June last, should arrive, and bring out Orders that should obstruct the Governor General in the Pursuit of his Plan, just at the Time when it may be ripe for Execution, the Council, unacquainted with the whole Plan, will neither be able to compleat it, nor to adopt any other.

Next as to the Expence, if that can be allowed to be a Consideration, when so great a Benefit is in Contemplation: The small Part of it already fixed amounts to 5,000 Rupees per Month, and for the rest the Governor himself does not even venture to throw a Guess at what it may amount to; but this he deems immaterial, as he readily obviates the Difficulty by the old Plan of levying it upon the Country by a Mahtoot, which he concludes it will be able to

Article 12th Regulation. All Mahtoots to be abolished.

bear; forgetting how far the Remissions he has lately found necessary to make of the whole Amount Balances of the Kishnagur Rajah, and others, will support that Opinion. But, not to discuss a Point so evident, let me ask, Whether any Payment from the Country, instead of the Treasury, can be a Saving to the Company, one being supplied from the other, and both equally their Property. But Arguments upon Saving are vain, when the Necessity of an Expence is so urgent as in the present Instance. Having no Establishments of local Agents already in Pay and Authority, from whose long Residence and Experience we can expect the required Information, it follows that

By the 7th Article of the Proceedings of the Committee of Circuit, the following Offices are to be established for conducting the Business of the Khalsa, according to these Regulations: 1st Roy Royan's Office; to this Office all Accounts, Statements, and Papers whatever, are to be first transmitted, and from thence distributed to the proper

new Powers and new Expences must be framed to effect it; and had the Committee of Circuit (whose Regulations the Court of Directors have enjoined us to consider as Standing Orders) not appointed a Roy Royan, a Superintendant of the Khalsa, and an Accomptant General, for the Purpose of digesting and reporting upon all Mofussil Statements and Accounts, the Governor General might

## A P P E N D I X, N<sup>o</sup> 15.

proper Offices, after having been received by the Superintending Member of the Khalsa, and the Roy Royan. might have urged, that the Board being inadequate to the Labour of digesting them, a new Office was necessary.

I will only add, that by the present Plan all former Arguments of the late Majority against the Committee of Circuit, stand not only confirmed, but redoubled by this Self-condemnation. What the penetrating Eye of the most experienced and oldest Servants (all Members of the Council, with the Governor at their Head) themselves upon the Spot, with the whole Power of Government in their Hand, could not attain a true Insight of, and this since corrected and discussed by Five Years Collections, is yet to be sought for, and now to be expected, at the Distance of some Hundred Miles, by Two Junior Servants, one of whom is barely out of his Writership, above One Year of which he was absent from the Country.

If a new Investigation is now necessary, I can see no Point of it that cannot be as effectually compassed, and even much more so, by the Provincial Councils; a natural, unalarming Channel, without Expence, and without any unnatural Medium, or unconstitutional Authority; whereas the new Plan is directly the contrary, and will possibly be totally thwarted (at least in the Attainment of any Good) in the very first Outset, by the universal Alarm so eccentric a Motion will create, and must continue to cause.

Mr. Francis has more fully answered Particulars; wherein chiefly coinciding, I forbear Repetitions, excepting to the Circumstance of the Pottahs; upon which I will only say, that if they have not yet been issued, although ordered Five Years past, the Governor General must look to himself for the Blame; for had he exerted his Authority when the Committee was upon the respective Spots, or had he not by himself, and the Influence of his executive Powers, and the Counteractions of his Dependants, thwarted our Attempts to effect it, they would not now remain to be discussed in a new Plan. And, considering the present Constitution of the Government, I cannot, with Mr. Francis, flatter myself with Hopes of Success in the Accomplishment of our late Orders to Burdwan upon this Subject.

In one Point further I differ with Mr. Francis: My Objections to this Measure not depending on Opinion, but being made directly to its Illegality, I cannot strain my Sense of Duty to promise, as he does, that I will support it, when it is resolved to be carried into Execution. In the Appointment that the Governor General has made of Officers to fill the new Office, he has very particularly set forth the Merits of Gunga Govind Sing, whom he had but a few Days before restored to his Office of Dewan to the Calcutta Committee, as if the Office of Right belonged to him. It must be remarked, however, that the Governor General has been very guarded in not adding official Probity in the Encomiums which he has so liberally given him. It is very well known, that he was dismissed from his Office on an Accusation of Cumal ul dien Cawn, whose Testimony the Governor General cannot but admit, particularly as the Fact has been established in the Supreme Court, on the Trial of Mr. Fowke, that he, Gunga Govind Sing, had taken from him Twenty-two thousand Rupees collusively, for certain Purposes, and for which he was to allow Cumal ul Dien to run a certain Quantity of Salt.

As the Duties of the new Office must necessarily engage the whole Time of this Minister, it would have been reasonable, when the Governor General thought proper to appoint him Peshkar at the Khalsa, with a Salary of Seven hundred Rupees a Month, that he would have been pleased to have taken into Consideration, that it will be impossible for this same Man to perform so many various Duties, together with those belonging to his Office of Dewan to the Calcutta Committee, which Office will probably be totally neglected, if some other Man is not appointed to superintend it.

(Signed) J. Clavering.

Extract of Fort William Revenue Consultations, 12th November 1776.

Governor General—I am thankful to Mr. Francis for the Promise which he has given me of his Assistance in promoting the Arrangements which may be formed for the new Settlement, even though they may not be such as he approves: After such an Assurance, even his Objections to the Office which I have recommended for that Purpose, have a Claim to my Acknowledgments, and I hope to benefit by his Assistance, more cheerfully given, when he shall discover that our Objects are the same; and that though we do not agree in our Opinion of the Means which I have recommended, yet the Difficulties which he apprehends in the Execution of them, are not only surmountable, but such as have always yielded to the same Mode of Investigation, constantly and successfully practised under the Mogul Government.

When I recommended the Institution of an Office for compiling the Materials which were necessary for the new Settlement, I meant no more than to shew the Necessity of it, and to propose the ultimate Object of its Researches: It was as foreign from my Purpose, as it would have been premature, to mark out every Stage of its Progress, which, from the Nature of it, must be subject to Variations; or to determine either the precise Mode or Amount of the Settlement, which it was the professed Design of this Investigation to ascertain.

For the Satisfaction however which Mr. Francis requires, I will endeavour to give him a further Explanation



Explanation of the Design of the Office which I have recommended, and of the Detail of Business which is to be, or may be, assigned to it.

I have already said, that the general Design of it was to obtain an accurate State of the real Value of the Lands, as the only Groundwork on which the new Settlement could be constructed; I mean on which it could be constructed so that the Burthen of the Public Revenue should rest with an equal Weight upon the whole Body of the People.

On this Subject Mr. Francis's Minute contains Two Propositions: First, That the Inconveniencies of an unequal Assessment ought not to be regarded: And next, That those Inconveniencies do not admit of a Remedy.

More used to the Practice of Business than Speculation, I beg to be excused from discussing these Propositions as general and abstract Questions, and instead of considering them as Principles which are equally applicable to any Country, I wish to confine them merely to the Revenue of Bengal.

The Opinions of Montesquieu, Sir James Stewart, and Doctor Smith, which are produced to shew that an unequal Assessment is attended with few or no Inconveniencies, may be just as to those Countries where the Land Tax bears but a small Proportion to the Amount of the Produce; and any Attempt to alter the Proportions of a Land Tax which have been established by ancient Custom, might, as they suppose, give Rise to those Discontents which, amongst a high-spirited People, every Innovation is apt to excite; but the Case is very different in Bengal.

Let us suppose for Instance, that in England the Proportion of the Rent of Land taken by Government is a Fifth Part, and in some Places, from an Inequality in the Assessment, amounts only to an Eighth Part: In the first Case, the Proprietor, after paying the Tax, will have Four-fifths, or Sixteen Shillings in the Pound, and in the last, Seventeen Shillings and Six Pence, to himself. But in Bengal Nine-tenths of the Nett Produce, or Eighteen Shillings in the Pound, are generally supposed to belong to Government, and the remaining Tenth to be the Property of the Landholder; or, in other Words, a Zemindar, whose Land produces 1,00,000 R<sup>s</sup> pays 90,000 to Government, and has a Right to retain the remaining 10,000 to himself: But should this Land happen to be rated at 1,05,000 R<sup>s</sup>, or only One-twentieth Part above its Value, then, instead of 10,000 R<sup>s</sup> the Possessor would receive only 5,500 R<sup>s</sup>, or little more than One-half of his just Income; while another Man, who inherits a Zemindarry of equal Value, but which is reputed to be worth only 95,000 R<sup>s</sup>, or One-twentieth Part under rated, will, instead of 10,000 R<sup>s</sup>, enjoy an Income of 14,500 R<sup>s</sup>. Thus the Inaccuracy of a Twentieth Part in the Valuation, more or less, will render the Estate of one Zemindar almost Three Times more profitable to him than that of another whose Lands are of equal Value: And this operates not only as an Inconvenience, but as a heavy Oppression.

It is easy to shew that the unequal Valuation of Lands in Bengal is productive of this Evil, and that while some Landholders after paying their Rents retain enough to live in Ease and Affluence, others are reduced to Beggary, and, unless the Mercy of Government interposes to save them, their Estates are sold to make good the Portion of Revenue which has been arbitrarily assessed upon them. The Truth of this Fact is established by the Disposal which has been made of Zemindarries in the Division of Dacca, by the Sale which was proposed of the Rajah of Nuddea's Lands, by the Number of wealthy Farmers who have been received in the Bahar Province, and by the Sale of Talooks lately made by the Council at Moorshedabad.

Nor is any Alteration in the Assessment likely to produce Discontents, because it will be no Innovation. The ancient Tamar and Tukseem, or Distribution of the Land Rent, which was formed about Two Hundred and Twenty Years ago, has long since ceased to serve as a Rule. Under the old Government this Distribution was annually corrected by the Accounts which the Zemindars and other Collectors of the Revenue were bound to deliver in to the Office of the Canongoes or King's Registers, of the increased or diminished Rents of their Lands, and of the Amount of their Receipts; but the Neglect of these Institutions, the Wars and Revolutions which have since happened in Bengal, the Inundations of Rivers, the Encrease of Cultivation in some Parts of the Province, and the Decrease in others, and the unequal Depredations of the Famine, have totally changed the Face of the Country, and rendered the Tamar Rent-Roll a mere Object of Curiosity. The Land Tax has therefore been collected for these Twenty Years past upon a conjectural Valuation of the Land, formed by the Amount of the Receipts of former Years, and the Opinions of the Officers of the Revenue, and the Assessment has accordingly been altered almost every Year.

Having thus shewn that the present Assessment is unequal; that this Inequality is productive of great Evils; that it is fluctuating and annual, and that therefore any Alteration in the Distribution of it is not likely to occasion Discontents; I hope that Mr. Francis will see with me the Expediency and even Necessity of obtaining an accurate State of the Value of the Lands, to enable us to lay the Public Revenue with an equal Weight throughout the whole Province. Considerations of the same Kind, though not so weighty as those I have mentioned, induced the most free People in the World to adopt a similar Measure, and in the Year 1692 all the Lands in England were valued anew.

Mr. Francis's Second Proposition is, That the Inconvenience of an unequal Assessment is not capable of a Remedy, because it is impossible to obtain an accurate Valuation of the Lands. I confess the Attempt is not unattended with Difficulties; but, as I have been led to propose it from a Conviction of its Necessity, I trust, if I am supported by the Board, to be able in a great Measure to surmount them. I will not pretend to fix with Precision the Means by which this Design is to

be prosecuted; these must in a great Measure arise out of the Business in its Progress: But by pointing out some of the principal Sources from which I expect to derive Materials, I hope to shew, that the present Juncture is peculiarly favourable to the Attempt, and that the Work is not undertaken without a fair Prospect of Success.

An accurate Valuation of the Lands is to be made either by an actual Survey and Measurement, or from the Accounts of the Land Rents. The First Mode is too tedious, expensive, and uncertain to be adopted; I would propose to make Trial of the Second. The Accounts of Revenue in Bengal are kept with a Regularity and Precision unknown in Europe. They are drawn off, I understand, nearly on One uniform Plan, and are balanced and adjusted at fixed Periods. A separate Account Current (or Kurcha) is kept for every Ryot or Tenant, in which the different Articles which compose his Rent for One Year, are stated on the one Side, and the Payments which he makes are entered on the other. The Whole of these Accounts are afterwards annually digested into Abstracts, which contain a particular State of the Rent, the Receipts, and the Arrears of each Village. The Abstracts of all the Villages form the Pergunnah Accounts; and the general State of the Rent of the Zemindarry, or capital Division, is composed of the Aggregate of the Accounts of the Pergunnahs. In order to convey an Idea of the distinct and circumstantial Manner in which these Accounts are kept, I have annexed Translations of the Two first, viz. That of a single Ryot, and that of a Village. It will be unnecessary to produce Specimens of the Two last; these are called Mofussil Accounts.

The History which I have given of these Accounts, will serve, I hope, to redeem their Characters from the Imputation of being loose, confused, and intricate; and shew, that if we can succeed in procuring them, they will furnish us with ready-formed Abstracts of the actual Collections, which will require only to be compared. For this Purpose it will not be necessary to examine the Accounts of every Ryot, nor of every Village. The inferior Accounts are useful only as Checks to the greater. From the regular Process in which the Whole are formed, it will be seen how easily the Falseness of any Account may be detected; since it is impossible to falsify the Sum Total of a Pergunnah without falsifying all the Parts of it, which of course will differ from those of each Village; and these again, if forged, will be corrected by the Accounts Current of the Ryots. Thus the Fidelity of the greater Accounts, when suspected, may be easily tried by a Reference to the Subsidiary Accounts, which can hardly be falsified, as it is almost impossible to join in One Combination so many People as must be concerned in it.

All these different Accounts are publicly kept in their respective Cutcheries: It is by them that the Rents are collected, and they are always delivered over to such Person as has the Charge of collecting them, whether Zemindar, Sezawal, Wadadar, or Farmer. I am sensible, that to obtain the original Accounts of the Rents of every Part of Bengal, will be a very difficult Task; for the inferior Zemindars will, as Mr. Francis has observed, probably use every Artifice to conceal the Accounts of their Rents, or perhaps even attempt to fabricate them; but this in the large Divisions, for the Reasons which I have already given, will be almost impossible: Besides, as the Farmers are bound by their original Engagements to deliver to Government an Account of their Collections, as the Custom of the Country requires that they should give up the Mofussil Accounts at the Expiration of their Leases, and as they have little Interest to withhold them, since they must yield up the Farms at the End of the Year, the present Juncture is more favourable for procuring a true Valuation or Hushabood of Bengal, than any other. It would be almost impossible to form it afterwards, in the Event of the Lands being restored to the Zemindars; and thus one of the great Objects of the Five Years Settlement, the Discovery of a Rule for an equal Assessment, would be lost.

To collect these different Accounts, and to digest and methodize them for our Guidance in forming a new Settlement, is one of the principal Objects of the temporary Office which I have proposed.

I am sensible that it would be a far more easy Task to prepare the Materials for a new Settlement in the Manner which Mr. Francis proposes, by taking the Accounts of the actual Receipts of Rent for Three Years past, and correcting them by the Opinions of the Provincial Councils, on such Districts as have been either favoured or over-rated. But although I consider these as useful Informations, I do not think that we can by them alone ascertain the real Value of the Lands, or safely make them the only Grounds of the future Settlement of the Revenue. Many of the Lands have suffered by Droughts, Inundations, or other temporary Calamities, which though affecting the immediate Collections, cause no Diminution in their real Value. In some Instances the Rents have been completed by Loans, or made up from the private Fortunes of the Landholders: In other Places they have been enabled to fulfil their Engagements by oppressive Exactions. The Value of some Lands on the contrary have been fully equal, or even superior, to the Rent assessed upon them; but the Collections have fallen short through the Neglect or Incapacity of the Farmer, or Zemindar, or have been received and dissipated in idle Expence, or been embezzled by the Collectors. In each of these Cases, and every District in the Province, without an Exception, is liable to one or other of them, the actual Receipts of Government would prove a false Estimate of their Worth, and often widely remote from it; and if a Settlement were formed upon such a Principle, what would it be but to hold out a Reward to Fraud and Dissipation, to encourage the Zemindars and Landholders to keep back their Payments, as the Means of diminishing their Rents, and to punish Punctuality by loading it with a full Share of the Assessment?

But to correct the Irregularities on an Estimate constructed upon such uncertain Grounds, the Opinions of the Provincial Councils are thought sufficient. Now these must be formed either on

Materials such as I have described, or on the Opinions of their dependent Officers. The former would be useful, and spare the Labour of further Researches; the latter, if the Evidence of Accounts can be procured, ought not to be admitted as Authority in a Matter of such great Importance, and in which an Error in the Valuation of the Land, even of a Twentieth Part, may reduce an ancient Family to Beggary, or double the Income which it formerly enjoyed. Surely it will not be urged as an Objection to official Accounts, that they may be fraudulent, and yet proposed to take private Opinions for Authority. The Forger of false Accounts is liable to the severest Penalties, and those Accounts are liable to Detection; but the Errors of Opinion are always difficult of Conviction, nor has any Government ever devised a Punishment for those who maintained them.

To elucidate and Support many of the Arguments which I have above used, I will only state one Case:

At the Close of the last Bengal Year, several Talookdars, or petty Landholders, in the Neighbourhood of Moorshedabad, fell largely in Arrears in the Payment of their Rents, and their Lands were sold to make good the Deficiency; some of these Families had enjoyed their Estates for above a Hundred Years. The Board knowing that the Revenue is unequally assessed, and in some Places beyond the Abilities of the Proprietors, wrote to the Provincial Council at Moorshedabad, to know whether the Estates of these Talookdars had been really over-rated, or whether the Arrears were to be attributed to Neglect or Mismanagement. They have lately returned an Answer, with Accounts of the Rents, Receipts, and Arrears, of all these different Talooks; by which it appears, that the Rents had in general been paid with much Regularity for the Three preceding Years, but had fallen in Balance during the last; one of the Talookdars (Shahzadpoor) whose Annual Rent is about 15,000 Rupees, had last Year paid no more than 4,000 Rupees in Part of it. The following is an Extract of the Answer to our Enquiries, as to the Causes which had thrown these Talooks into Arrears.

“How far these Balances have been owing to the Neglect and Mismanagement of the Proprietors, or to the Land’s having been over-rated, it is not in our Power accurately to determine: But from the Collections having been regularly kept up for Three Years, and falling so much in Arrears the Fourth, it affords room for supposing that the Complaints of the Zemindars, of the Drought of the Season, were not without Foundation, and this might be the Cause of that Year’s Deficiency.”

It appears therefore that the regular Payment of Rents for Three Years, is no Proof of the Proprietor’s Ability to continue to pay the same Rent; that if he falls in Arrears his Estate is sold; and that a Provincial Council, of which both the English Members and the Native Officers, in Point of Abilities, yield to none in Bengal, are unable to say whether any particular District has been favoured or over-rated. For if it is not in their Power to give an Opinion of the under or over Valuation of the Rents of an Estate in their own Neighbourhood, which had been sold, and the Rent of which amounts only to Fifteen thousand Rupees, how can we expect exact Reports concerning the Rents of the Whole of their Division, which amounts to Fifty Lacks of Rupees? The Truth is, that it is impossible to form a just Judgment of the Value of Lands, and consequently of the Revenue which they should pay, but by an Inspection of their Mofussil Accounts.

But admitting that the Receipts of Revenue, and the Opinions of the Provincial Councils, should appear to us satisfactory Grounds for establishing a fixed Assessment, yet the Concurrence of the Zemindar also will be necessary. Suppose the Case of the Talook above-mentioned (Shahzadpoor:) We offer to fix the Rent at Fifteen thousand Rupees; the Possessor declares it to be over-rated; upon what Ground can we compel him to subscribe to our conjectural Valuation, or how can we admit his Pleas without examining them? Should we however persist in dictating our own Terms, the Proprietor will very probably accede to them, like the Rajah of Nuddea, in the Dread of losing his Talook, which, if unequal to the Assessment, must afterwards be sold, not for any Crime or Fault of the Proprietor, but for the Despotism of Government in exacting from him what he has not to give.

If the Commands and Exigences of the Company will admit of it, I shall be ready to join in lowering the Revenue. But the peculiar Necessities of this Government will not perhaps allow of a considerable Diminution of the Rents; and whatever it may be, it will be felt as a Relief only according to the Distribution of it, and the Manner in which it is proportioned to the State and Abilities of those who are to pay it.

I concur entirely with Mr. Francis, in his Arguments against raising the greatest possible Revenue from Bengal, by destroying all the intermediate Orders of Men between the Ruler and the Cultivator. But as my Object in endeavouring to procure an accurate Account of the Rents is only to make an equal Distribution, and has no Kind of Connection with the Proposition of raising the largest Revenue, nor with that of destroying the intermediate Orders of Men, I imagine it is unnecessary to follow Mr. Francis through all the abstract Reasonings which he has introduced on Subjects so remote from my own Intentions.

Besides the immediate Business of the proposed Office, I have recommended, as a second Object of its Researches, the better and more effectual Regulation of Pottahs, for the Security of the Ryots in the perpetual and undisturbed Possession of their Lands, and to guard them against arbitrary Taxations. The Words *perpetual Possession*, and *their Lands*, which may be mere Inaccuracies of Expression, for they were not meant to convey the Idea of any positive or exclusive Right of Possession, have been noticed by Mr. Francis as contradictory to the Rights of Property which are vested in the Zemindar.

## A P P E N D I X, N<sup>o</sup> 15.

I shall not here attempt to account for the Distinctions of Property, as they are understood in this Country: It is sufficient for me to observe, that while the Ryot pays his Rent, the Zemindar has no Right to dispossess him; nor can the Zemindar by any legal Right exact a higher Rent from him than his Pottah prescribes.

Mr. Francis seems to suppose that there is no Necessity for the Interposition of Government between the Zemindar and the Ryot. He observes, "That if they are left to themselves, they will soon come to an Agreement, in which each Party will find his Advantage." This would be a just Conclusion, if the Zemindars were all capable of distinguishing what was for their Advantage. *But it is a Fact which will with Difficulty obtain Credit in England, though the Notoriety will justify me in asserting it here, that much the greatest Part of the Zemindars both of Bengal and Bahar, are incapable of judging or acting for themselves, being either Minors, or Men of weak Understandings, or absolute Idiots.* This Circumstance, and the consequent Oppressions which are exercised by those who act for them, without any Interest in the Prosperity of the Zemindarry, renders it necessary to provide for the Security of the Ryots by Checks and Regulations.

It is to be observed also, that there are Two Kinds of Ryots; the more valuable are those who reside on one fixed Spot, where they have built themselves substantial Houses, or derived them by Inheritance from their Fathers. These Men will suffer much before they abandon their Habitations, and therefore they are made to suffer much; but when once forced to quit them, they become vagrant Ryots. The vagrant Ryots, as Mr. Francis observes, have it in their Power in some Measure to make their own Terms with the Zemindar: They take Land at an under Rent, hold it for One Season; the Zemindar then encreases their Rent, or exacts more from them than their Agreement, and the Ryots either desert, or if they continue, they hold their Land at a Rent lower than the established Rate of the Country. Thus the ancient and industrious Tenants are obliged to submit to undue Exactions, while the vagrant Ryots enjoy Lands at Half Price, which operates as an Encouragement to Desertion, and to the Depopulation of the Country.

The general Subject of Pottahs, and the Abuses and Oppressions arising from their present Uncertainty, and the Variety of Articles that compose the Ryots Accounts, have been often Matter of just Complaint, and I believe every Member of the Board is satisfied that they require to be reformed. All that I now propose, is to collect Materials of Information on this Subject, to be laid before the Board for their future Determination, on the most effectual Means of regulating the Pottahs. At present I am not prepared to propose a complete Plan, and decline giving a premature and partial Opinion, while I am professedly seeking for the Grounds which are to determine it.

(Signed) Warren Hastings.

KURCHA ACCOUNT of Herrydafs Reiat, in the Purgunnah Gopalpoor.

Amount of Rent.				Amount of Receipts from the Poonah to the End of the Year.			
Laft Year's Rent.							
Shallee Land, 1st Harvest	—	Begas.	R.	6	4	—	—
Shoona D°, 2d Harvest	—	5	1 4	5	—	—	—
Double Crop, D°	—	5	1 —	5	—	—	—
Capafs (Cotton)	—	3	1 8	4	8	—	—
Baft (Land that the Houfe is built on)	—	2	1 —	2	—	—	—
		2	2 1	—	3	4	—
Kharidge.				17	15	4	—
Shoona Land added to the Comar	—	15 2	—	5	—	—	—
Kurar Cummee.				1	—	—	—
Decreafe on the Amount of his Agreement, on Account of the Shallee Land, 4 Annas per Bega	—	5	1 —	12	15	4	—
Baifhee.				1	4	—	—
Increase from Change in the Crop, 1 Bega, formerly Cupas, now cultivated in Two Harvefts	—	10 2	—	11	11	4	—
Aboab (Taxes.)				—	8	—	—
Sukdunnee, 3 Months	—	—	—	12	3	4	—
Chout, at 3 Annas per Rupee	—	—	—	3	—	16	—
Mangun, 1 Month	—	—	—	15	4	—	—
Nuzeranna, 1 Month	—	—	—	2	13	15	—
	—	—	—	1	4	6	—
	—	—	—	—	10	3	—
Foolee Batta	—	—	—	20	—	4	—
Receipts	—	—	—	1	4	—	—
	—	—	—	21	4	4	—
	—	—	—	19	9	10	—
	—	—	—	1	10	14	—
	—	—	—	Balance	—	—	—

Siccas. Sonauts. Arcots.

15 2 3

Batta.

Multance Sicca

1 Gunda, per Rupee

1 Sonaut

Arcot

— 15

— 2

— 3 15

— 6 10

19 9 10

N. B. The Receipts of the 20 Rupees are entered on the different Days of Payment.

## A P P E N D I X, N<sup>o</sup> 15.

Extract of Fort William Revenue Consultations, 29th November 1776.

The following are the several Minutes which have been delivered in by the Members of the Board, on the Subject of the Institution of the Office for preparing Materials for the new Settlement, since the Close of last Day's Proceedings.

Mr. Francis—As the Governor General's Minute, in reply to mine of the 5th Instant, was not communicated to me before this Day, it is not now possible for me, before the Close of the Packet, to give it the Consideration it requires. The only Observation which I think it necessary to make at present is, that I do not admit the supposed main Fact on which the Governor's Arguments appear to be founded, viz. "That in Bengal Nine-tenths of the Nett Produce, or Eighteen Shillings in the Pound, are generally supposed to belong to Government, and the remaining Tenth to be the Property of the Landholder." By whom this Supposition has been formed I know not, nor on what Evidence, except, perhaps, the Practice of the British Government, or that of the Usurpation which immediately preceded it. Such Fact is no Proof of such Right. The Honourable Court of Directors have now in their Possession authentic Documents, which shew that the Assessment fixed by the Mogul Government on these Provinces, was light and moderate in Comparison with ours. If that Government had taken Nine-tenths of the Nett Produce of the Country, how was it possible for Bengal to have arrived at the rich and flourishing State in which we found it, even after it had suffered considerably by the intestine Disorders of Aliverde Cawn's Usurpation? And if the Country was not universally rich, from what Sources has the immense Wealth extracted from it within these Twenty Years been supplied?

I have at all Times been ready to contribute my utmost Endeavours to execute the Resolutions of Government, and to promote the general Dispatch of Business. While I have the Honour of holding this Station, I will not decline taking my Share in any of the Labours or Duties that belong to it. In the present Instance, I am not aware that my Assistance can be of any Service to the Governor General, since by the Plan of the proposed Office, the Business allotted to it is to be exclusively under his Direction. My Objections, whether weighty or not, were meant to include the whole Measure.

(Signed) P. Francis.

Governor General—It being of Consequence to me to remove every Objection which may be made to my Plan, in the First Introduction of it to the Notice of the Company, I shall reply briefly to Mr. Francis's Minute of the 23d Instant.

To his Denial of my Position, that in Bengal, "Nine-tenths of the Nett Produce, or Eighteen Shillings in the Pound, are generally supposed to belong to Government, and the remaining Tenth to be the Property of the Landholder," I shall only reply; that I do not mean these Propositions as a fixed Standard; I offered them only as a general Supposition, to shew the different State of the Land Tax in this Country and in Europe, and the very different Effect which an unequal Assessment must produce in each.

The Justness of my Arguments on this Subject, does not depend on the Accuracy of those supposed Proportions, but on the Truth of the Fact, that the Land Tax in this Country is in general beyond all Comparison heavier than in England; and that therefore, any Inequality in the Assessment of it, is in this Country productive of far greater Oppression to the Landholders. It is proved from Facts, that the Revenue imposed upon some Lands, does not leave any Thing to the Proprietor, inasmuch that Estates are frequently sold to pay the Land Tax. The Proportion of One-tenth was used only to elucidate my Argument. It was formed on the Opinions of Natives, on my own Experience and Belief, and on the Custom in the neighbouring Province of Bahar, where the Share which each Zemindar is allowed in the Produce of his Lands, is invariably fixed at One-tenth: This is called his Malckava, a Term of long Usage; and therefore a Proof that the Rate was neither "derived from the Practice of the British Government, nor that of the Usurpation which immediately preceded it." I leave Mr. Francis, however, at Liberty to adopt any other Proportion that he pleases: Whether it be an Eighth, a Tenth, or a Twelfth, the Force of my Conclusion will remain.

As my Reasonings also were confined to the present and future State of the Country, and aimed at providing a Remedy for Evils which now exist, they would not be affected by Mr. Francis's Position, "that the Assessment fixed by the Mogul Government on these Provinces was light and moderate, in Comparison with ours," admitting it to be just.

I must beg Mr. Francis's Pardon, however, for expressing a Doubt that the Documents with which he has furnished the Court of Directors, prove "that the Assessment fixed by the Mogul Government was light and moderate, in Comparison with ours." The Justness of this Observation cannot be determined merely by a Comparison of the Amount of Revenue annually raised from the Provinces in the Two different Periods; it depends upon a Variety of other Circumstances.



# A P P E N D I X, N<sup>o</sup> 15.

The Revenue of Bēngal, in the Time of Shujah Cawn, is stated by Mr. Francis at 1,42,50,000 Rupees. I have taken the Pains to inform myself of the Prices of the Necessaries of Life at that Time; of which the following is an Abstract, compared with the present Rate of the same Articles:

					Price at Moorshedabad, in the Year 1136, Bengal Sile.	Present Price in Calcutta.
					M <sup>ds</sup> . Seers.	M <sup>ds</sup> . Seers.
Rice, Fine, called Baufephool.						
1st Sort, per R <sup>e</sup>	—	—	—	—	1 10	— 16
2d D <sup>o</sup>	—	—	—	—	1 23	— 18
3d D <sup>o</sup>	—	—	—	—	1 35	— 21
Coarse, called Desna						
Poorbie	—	—	—	—	4 15	— 32
Munfurah	—	—	—	—	4 25	— 37
Kurkashallee	—	—	—	—	5 25	1 —
	—	—	—	—	7 20	1 10
Wheat, 1st Sort						
2d D <sup>o</sup>	—	—	—	—	3 —	— 32
	—	—	—	—	3 30	— 35
Barley						
	—	—	—	—	8 —	1 13
Bheont, a Kind of Grain for feeding Horses						
	—	—	—	—	4 35	— 20 & 22
Oil, 1st Sort						
2d D <sup>o</sup>	—	—	—	—	— 21	— 6½
	—	—	—	—	— 24	— 6½
Ghee, boiled Butter, 1st Sort						
2d D <sup>o</sup>	—	—	—	—	— 10½	— 3
	—	—	—	—	— 11½	— 4

From this State it appears, that the Price of Coarse Rice, which forms the principal Consumption of the People, was 5½ Times cheaper in the Time of Shujah Cawn than it is now. If this be allowed a fair Standard for estimating the Value of Money, which being the Rule for apportion, the Value of Property must reciprocally derive its own Value from it; the Revenue collected from Bengal in Shujah Cawn's Time being 1,42,50,000, was equal to 7,83,75,000 Rupees of their present Value; that is, more than Three Times greater than the Jumma of this Year. But if the Dominions of Bengal, and the State of its Government in these different Periods, be compared, the Disproportion will be greatly increased, for many frontier Countries have been since added to its Dominion; and the Zemindars, who yielded very different Degrees of Obedience to Shujah Cawn, are at this Time reduced to an equal State of Subjection to the Government of the Company.

The Severity which was used in levying the Revenue during the former Period, is also a strong Presumption against the Lightness and Moderation of the Assessment. The Indignities, the Stripes, and Tortures, even to Death, which were exercised in the Collections under the Moguls, have been utterly unknown in any Period since the Government of the Provinces has devolved to the Company, and serve as a collateral Proof, that the Assessment in the Times which preceded it, was intolerably grievous and oppressive.

Governor General—When I lately proposed a temporary Establishment for collecting Materials for a new Settlement of the Revenue, nothing was farther from my Expectation than to be charged with an Attempt to usurp the Powers of ordering, managing, and governing, the territorial Possessions vested by Parliament in the Governor General and Council: The alarming View in which General Clavering sees this Institution, leads me to suppose that he must have misunderstood its Nature and its Objects; I will therefore recite them in the Words of my original Minute: “To be employed in compiling and collecting the Accounts of the past Collections, in digesting the Materials which may be furnished by the Provincial Councils and Dewans, in issuing Orders for special Accounts, and other Materials of Information, and in deputing native Officers on occasional Investigations:” And “that for the Sake of Dispatch, all Orders issued from this Office for the Execution of such particular Services as shall have received the general Sanction of the Board, be written in the Name of the Governor General, and the Controul of it committed to his Charge.”

The Functions of this Office are here circumscribed with the greatest Exactness: The Whole of its Business is that of Detail, too minute for the Board to conduct; it is not “to order, govern,

## A P P E N D I X, N<sup>o</sup> 15.

“ or manage, Territorial Acquisitions,” but merely to collect and digest Accounts; “ it is not to “ distribute Farms under its Influence,” for the general Question remains to be determined, whether in the future Settlement of the Revenues Farms are to be granted, or what other Mode is to be pursued.

If every preparatory Business of this Kind is to be considered not only as a Delegation of the Powers of ordering, managing, &c. but to be construed into a Surrender of those Powers, the Provincial Councils, the Superintendant of the Khalsa Records, every Person in Office, acts under an illegal Warrant; nay every Committee formed of the Council itself, the Auditor of the Week, the Comptroller of the Offices at the Presidency, are equally guilty with myself of an Usurpation of the Powers of the collective Body of the Council.

I will not further attempt to controvert a Principle, which, if adopted, would put an End to all Government: It will be sufficient perhaps to reply to the General's Protest, to shew, that many Institutions of the Nature of the intended Office have been formed under the present Government, without any Scruples about their “ Legality,” or Objection that “ they were incompatible with the “ Rules of the former Administration of the Revenue, with the Constitution of the Offices already “ established under the Presidency, or with every political Principle, that should regulate a wise “ Government.”

Two of the Company's Servants were deputed into the 24 Pergunnahs; Three to Hidgelle, One to Amberabad, others to Sylhet, Jeffore, &c.: These were invested with, and actually exercised, the Powers of summoning Persons, of demanding Papers, of swearing and taking the Depositions of Witnesses, in short, were furnished with every Means of Investigation; they proceeded into the Country; they acted by an Authority independent of the Provincial Councils: And yet all this Time the Competency of “ the Roy Royan, or the Superintendant of the Khalsa, for digesting and reporting upon all Mossul Statements and Accounts,” was never urged as an Objection to such Commissions: It was not then discovered, that “ every Point of Investigation might have been as effectually compassed by the Provincial Councils, a natural and unalarming Channel, without Expence, “ without any unnatural Medium or unconstitutional Authority, and without that universal Alarm “ which those eccentric Motions create.”

The Number of these occasional and temporary Commissions will, I hope, serve to shew that I am not singular in the Opinion, that special and extraordinary Business requires special and extraordinary Means to execute it; and the Charge of a Commission for collecting the Salt Accounts of a single District, shall be found to equal what is stated for an Office to collect the Accounts of the Whole of Bengal: I hope I shall also be acquitted of incurring an unnecessary Expence, even although the Proposition of reimbursing it by a small Fee on each Aumul-nama, should not be adopted.

Most of the Objections raised to the Office on the Score of Utility, have been already fully discussed in the former Minutes on this Subject; I will therefore only observe, that as the Five Years Settlement furnished Materials for ascertaining the real Value of the Lands, the Design of this Office is to collect them.

General Clavering has thought proper to charge me with having, by myself, by the Influence of my executive Powers, and by the Counteractions of my Dependants, thwarted the Attempts of the Board to issue Pottahs. I call upon the General to support this Charge with the smallest Shadow of Proof. The last and almost the only Attempt was made in Burdwan, where every native Officer holds his Appointment, was by an Influence totally opposite to mine; and so far from being my Dependants, they are most of them distinguished only by their daring Insults to my Person and Government.

Upon further Enquiry among the Natives, I believe the General will find that they do not “ in “ general ascribe this Institution to Cantoo Baboo;” and so far from considering it as “ certain that “ it will be carried on under his immediate Influence, and that he will have the Appointment of all “ the native Officers,” it is universally known that there neither is, nor ever was, any Connection between him and Gunga Govind Sing, the principal native Officer proposed by me, and actually appointed to the Superintendence of this Business.

When I recommended this Man, it was unnecessary that I should enlarge on his official Probity, which was unimpeached. On Reference to the Proceedings of the Revenue Council that dismissed him, it will be found, that upon the Question being put, the Accusation against him by Comaul-ul-Dien, of having collusively taken a Sum of Money, was not proved in the Opinion of any one of the Members of the Board: It appeared, that as Dewan to the Committee he had stopped the Advances to Comaul as Contractor, to make good his Arrears of Revenue as Farmer. This Transaction, which in a similar Instance has since been sanctified by the Example of the Council, was considered by some of the Members as worthy of Censure: General Clavering indeed went so far as to declare, that although Comaul's Declarations had been frequently contradicted on Oath, “ yet “ as the greatest Lyars sometimes spoke Truth,” and there were Instances of other Persons having been guilty of Collusion and Mal-practices, he was “ inclinable to give Credit to the Accusation” against Gunga Govind; but whether ever, according to this Opinion, Gunga Govind Sing's Want of official Probity was established, I leave others to judge. As to myself, I then declared him innocent; and I cannot now admit the Position, “ that it is very well known that he was dismissed from “ his Office on an Accusation of having collusively taken a Sum of Money to allow Comaul to run “ Salt,” unless I am permitted to add, *and which Accusation was not proved.*

General

## A P P E N D I X, N° 15.

General Clavering's Answer to the Governor General's Reply, 27th November 1776.  
Entered on the above Consultations.

The advanced State of the Dispatch will not permit me to answer so fully as I might do with more Leisure, the Governor General's Reply to my Minute protesting against the Office which he has erected under the Name of compiling and collecting Materials for the future Settlement of the Revenue; the Orders from which are to be issued in the Name of the Governor General, and the Controul committed to his immediate Charge.

The Cases which the Governor General has mentioned, to compare with the Appointment in question, I do not admit to be similar; a Portion of Power, delegated to a Servant for a particular and limited Purpose, being very different from an Assumption of Power to himself under the supposed Term of Delegation, which should rather be termed Usurpation, if wresting to one Part or Member of the Constitution the Powers allotted to the Whole can be admitted to be such, and this not by a general Act of the Government; for to treat as an Act of the Governor General and Council a Resolution formed by himself and one other Member of the Board to make an Appointment, concentrating in himself all the Powers of the united Council, is too absurd to be stamped with the Appellation of a Resolution of Government: Without a further Stretch of Power, the Governor General might equally assume to himself the sole Controul of any other, or every Department of the whole Government; for, admitting a Member to vote in his own Cause, conferring Powers upon himself, the Governor General forming to himself Two Votes of the Three, in which are now vested the whole Power of the Government, he has but to propose, to obtain, and dictate. Again, a Delegation of a Portion of the Power of the Board to a Servant makes him amenable and responsible for the Management of that Power to those from whom he received it, and subjects him to Punishment in case of Abuse; whereas in the present Case the Governor General is not amenable to the united Board, much less to his own personal Tribunal, under the Denomination and Form of a Board. Finally, it cannot be compared to a Committee of the Council, which should ever participate, though in Miniature, of the original Form and Power of the Constitution, without diminishing that of the Whole; whereas in the Instance before us, the original Forms would become annihilated in the Usurpation of the Powers of the Whole by One Part.

Upon these Grounds therefore I must continue of Opinion, that the Powers assumed by the Governor General to himself, is an illegal Usurpation and not a Delegation, and that he, and all those who shall act under him in such Circumstances, subject themselves to all the Consequences of such an Act; though amongst these it might seem Presumption in me to anticipate the Opinion of the Court of Directors, which, from their Indulgence towards Mr. Hastings, he may with Reason consider as the most fatal of all: Yet, having already condemned Two Acts of the Governor General, for attempting to assume either Parts or the Whole of the Government to himself; one, in his exclusive Correspondence with his Resident with the late Vizier; the other, the Endeavour which he made to dissolve the Council, contrary to the Opinion of the Majority of the Board; I cannot but conclude, that where the Effects are the same, notwithstanding the Form and Manner of the Disposition may vary, that the Court of Directors will be highly offended at so aggravating a Reiteration of the Offence.

It is Mockery of Terms to characterize with the specious Appellation of collecting and compiling Accounts, with a View to conceal the evident and plain Object of the Governor General's Plan; which, in sending Aumins into the Mofussil, with full Powers to obtain the Accounts of the past Collections, to compare them with the actual State of the Cultivation, and thereby to establish the Rates of the Lands, may, without straining of Terms, be deemed ordering and managing the Revenues.

To give a favourable Picture of the good Effects that may be expected to arise from this Investigation, the Governor General has held forth, that it is to enable him to regulate the Pottahs so as to establish the Ryots in the undisturbed Possession of their Lands. I would only observe, that, taking it for granted that these Aumins will be corrupt, and disposed to favour the great Banians in the quiet Enjoyment of *theirs*, upon still greater Advantages than they now hold them, the inevitable Consequence must be, a Deception to the Governor himself, or whosoever may hereafter have the ordering and managing of the Lands of this Country.

The Governor General calls upon me to support my Assertion, that through his Influence the Pottahs at Burdwan were prevented being granted. I will answer, that I refer it to his own Decision, how difficult it is in this Country to bring legal Proof to convict a Man of any Action, though, from a Combination of many Circumstances, the whole World may be convinced of the Truth of it. From the Time that the late Majority undertook to regulate the Government and correct the Abuses that prevailed in it, it is but too notorious, that after every possible Obstruction at the Board to the passing of a Resolution, the same was again experienced with redoubled Efforts in every Stage of the Execution, for which I will only quote One Instance: When Mr. Dawson was sent to investigate the Poolbundee of Burdwan, upon the certain Accounts that the Board had obtained of the Peculations committed in it, in some Places the Farmers had been instructed not to appear, in others to resist, by refusing to give their Accounts, and when Compulsion was attempted to be used towards them, he was either alarmed by Letters from Attornies, or Writs of Habeas Corpus were ready to relieve the Farmer from his Confinement.

Bowannee

## A P P E N D I X, N<sup>o</sup> 15.

Bowannee Metre, the former Dewan of the Provinces, and Bridjoo Kishur, Zemindary Dewan, who had both been dismissed from their Employments, remained in the District to encourage the Farmers to resist the Orders of Government: The Governor General very well knows that by the Intrigues of one or both of these Men, the late Settlement that was made of Burdwan, had nearly miscarried; and as the Pottahs were immediately connected with the Settlement itself, though I may not hold the full necessary Proof to bring the Fact home, that the Board was counteracted in their Desire to have the Regulations that were made for the issuing of the Pottahs carried into Execution; yet the whole Country, who know the real State of Facts, will attribute the Failure to the Cause I have assigned, if they do fail. Upon the Whole, had Government been united, what Reason is there to suppose that in the Execution of so plain and easy an Operation as the granting of Pottahs, the late Majority should have met with more Difficulties than the Governor General now expects in the Execution of the Orders he proposes?

Whether the Natives with whom I have conversed have misinformed me, or not, that Cantoo Baboo has been the original Projector of the new Plan resolved upon, their Mistake is easily accounted for, coming from People who judge from Appearances, in observing the Project brought to Light immediately after his Arrival at the Presidency, and are confirmed in their Opinion by the Applications that are daily making to him for Places under this Institution.

In further Objection to the new Revenue Office, as far as a present Investigation can affect the future Rates of the Lands, I will add—premising, that before the real Value of any given Object can be fixed, both the Extent of that Object, and the precise Value of the Medium by which it is to be estimated, must be ascertained; and that without this, Value and Rate are visionary Terms, and Words without Meaning—

That at present there are not any Two Districts possessing exactly the same Currency, and that in the present State of the Coin, it is impossible exactly to level the Value by unalterably fixing the Batta: Further; that the Extent of each Ryot's Possession is not known to be similar to the Limits expressed in the Pottah originally granted to him: So that neither Object or Medium are fixed. I conclude, that the Investigation must be inefficacious, and of course cannot, from the most favourable Representation made of it, compensate for the many Evils it will create.

I should not have added this Remark in this Place, it being foreign to the Grounds of my Protest, which principally related to the Mode, not the Effect, had not the Governor General's Renewal of the Subject led me to it.

(Signed) J. Clavering.

The Secretary lays before the Board the following Note, received last Night from the Governor General; and acquaints them, that as he understands the Governor General's Minute is dispatched, he has ordered a Copy of the General's Minute to be prepared.

Ordered it be forwarded to the Secretary of the India House.

To Richard Sumner, Esquire, Secretary to the Revenue Department.

Sir,

Enclosed I send you an Answer to a Minute of General Clavering, which I received last Night; the Packet being closed, I purpose forwarding a Copy of it to the Secretary at the India House, by the Nassau.

I am, &c.

(Signed) Warren Hastings.

28th November 1776.

General Clavering—I desire my Reply may accompany the Governor's Minute.

Governor General's Reply to General Clavering's Minute, dated the 27th November 1776.

I was not aware, at the Time I recommended a temporary Office for the methodizing and digesting of Accounts, that it would have engaged me in a long Controversy. The Nassau's Packet is now ready to be closed; I have not Time to enlarge upon the Subject; perhaps I have already said too much; but it is necessary that I should make some Observations both on the general Argument of General Clavering's last Minute, and on some of the Facts which are therein stated.

The Objection to the Office, as being contrary to Act of Parliament, is so extraordinary, that I am almost at a Loss to answer it. In my Mind, there is a clear and solid Distinction between the Powers of preparing and those of ordering, governing, and managing. The first I possess constitutionally; the last resides in the Council at large. The Business of preparing cannot be conducted by a Council, and where if it could the various and more important Occupations of this Board would not admit it. In preparing Materials for Information, and in bringing Business before the Council, I certainly act in my Station. This is my immediate Duty as President of the Council, not only on the present Occasion, but in every other Point of Civil Affairs; in the same Manner as it is the immediate

## A P P E N D I X, N° 15.

mediate Duty of the General to prepare and bring before the Council such Matters as relate to the Military. Were it otherwise, the Business of Government would be at a Stand, and the whole Administration thrown into Confusion. This Privilege, however, does in no Way preclude any other Member from furnishing Information, and proposing Points of Business to the Council; with him it is a Right, which he may exercise, or not, at Pleasure; with me it is an indispensable Duty, and I am responsible for the Performance of it.

The present Leases of Bengal expire in April next, when a new Settlement of the Revenue must be formed by the Governor General and Council. In a Matter of such great Importance the Board cannot be too well informed. In Proportion as the Materials upon which a Council are to deliberate and to decide, shall be complete or imperfect, will the Company judge that I have performed or neglected my Duty. Could I have executed this extensive and laborious Business without an Establishment, or could I have employed this Establishment without any Expence to the Company, I should not have thought it necessary to apply to the Council on the Subject.

On the present Occasion the Council have conferred upon me no Authority which I do not and did not before legally and constitutionally possess. By approving of the Establishment which I proposed, they have only furnished me with the Means of executing a laborious and extensive Duty, to which I should otherwise have found myself unequal. In the Performance of this, as in every other Point of Duty, I know that I am responsible to the Company. I am sensible also of the Disadvantages I labour under; that every Object in the Execution will be viewed with hostile Eyes, and every Error in Judgment be construed into a Crime. But I have no Alternative left, and am obliged to undertake a Task, which, without sacrificing my Duty to the Company, I cannot decline.

This temporary Office, like the Commissions mentioned in my preceding Minutes, is instituted "for a particular and limited Purpose," and whoever are employed in it, "whether Servants of the Company or native Officers, are amenable and responsible for their Management, and subject to Punishment in case of Abuses, equally with the Persons of whom those Commissions were composed."

To procure Materials for the better Regulation of Pottahs, is only a secondary Object, yet it is of the last Importance to the Happiness of the People. The Approbation and Support which the General gave to the Proposal for issuing new Pottahs in Burdwan, shews that he was sensible of the Expediency of the Measure. The Proceedings of the Board will evince that I also concurred in the same Opinion; yet the Charge of having obstructed the Execution of it is repeated. In Support of this it is alleged that every possible Obstruction was opposed to Resolutions at the Board, and that the same was experienced with redoubled Efforts in the Execution of them. To prove the Truth of this, it is declared that Mr. Dawson encountered many Difficulties in investigating the Poolbundy of Burdwan. Now admitting these positive Positions for a Moment, what Connection is there between the Poolbundy of Burdwan and the Pottahs? It is impossible that any Two Subjects can be more opposite. The Poolbundy relates to the Expence of fencing the Rivers; the Pottahs are the Deeds by which the Husbandmen hold their Lands.

As a collateral Evidence to this Charge, the General asserts that Bowanny Metre and Bridjoo Kifsau remained in the Districts of Burdwan, and counteracted the issuing of Pottahs. Admitting this also, how am I answerable? But Curiosity having led me to enquire into a Fact which is stated with so much Precision, the General will excuse me if I insist that he has been misinformed. I have sent for Bowanny Metre, who resides in Calcutta, and questioned him on the Subject. He assures me that since the Times that he was first recalled from his Station to the Presidency, he has never been once at the Town of Burdwan, and but once at his own House at Banksha, the Residence of his Ancestors for many Generations, which although within the Limits of the District of Burdwan, is only 8 or 10 Miles from Calcutta; that this Visit was paid to his Family during the Gentoo Holidays, when all Public Business is suspended; that he went on the 5th of Cartu, or 18th of October last, and returned on the 27th of the same Month, or 9th of November, having been absent from Calcutta 22 Days. The General can be at no Loss to ascertain the Truth of this Circumstance. Should he find it confirmed, it will serve I hope to make him receive with Caution the vague Informations of the Natives, whose Desire of ingratiating themselves frequently leads them to deviate from the Strictness of Truth.

(Signed)

Warren Hastings,

General Clavering—After the Dispatch of the Packet, it is too late to attempt to refute some Arguments used by the Governor General, in his Reply to my Minute of the 27th, or to support my own, if they need any; but finding the Governor General still trying to support the Legality of the Power which he is usurping, under the Pretence that preparing Accounts is a Power inherent in his Office of President of this Board, I will only reply, That it is easy to give a Name to an Office, different in Idea from either ordering or managing the Revenue, but which shall still involve the Business of both one and the other of those Branches of the Revenue. If the Powers of the Office were only to prepare Accounts of the late Collections, they might easily be prepared in the Khalsa

by the Superintendant, under whom every necessary Office for that Purpose is established, but still more easily by the Provincial Council, against which Mode no other Objection has yet been urged, but that they would be prepared in a different Form the one from the other. Every Body will form their own Opinion, whether that Objection be the real Reason for not trusting the Provincial Councils with this Business; and whether, if that Objection was valid, it might not be obviated by the Superintendant of the Khalsa Records transmitting a Form of an Account to each of the Provincial Councils; by this Mode, at least, all the Expence to be incurred by sending so many Black Officers to each District, would be avoided, as well as the Danger to the Collections of the present Year. As the Governor General has been Twice mistaken concerning the Powers which he imagined he possessed, it is yet possible he may be mistaken a Third Time; and that the Court of Directors will not consider the Nature of the Office by the Name which the Governor General ascribes to it, but by the Functions that are to be exercised in it. Whenever the Company has wished to see the President of the Council exercise any extraordinary Powers, they have given them to him themselves: But, if I may be permitted to form a Judgment on the Opinion which they will give on the unusual and illegal Power now assumed, I should imagine that they will think that the Mossul Accounts of each District would be as accurately made up by the Provincial Councils, as under the Guidance of Gunga Govind Sing, assisted by the Reports of Black Officers appointed from the Presidency. With regard to the History of Bowanny Metre, I am not prepared to answer it.

The Secretary lays before the Board the Draught of a Letter to Messrs. Anderson and Bogle, in consequence of their Appointments to superintend the new Office for preparing and arranging the necessary Materials for forming the new Settlement.

To Messrs. Anderson and Bogle.

Gentlemen,

Having thought proper to appoint you Superintendants of an Office to prepare and arrange the necessary Materials for forming the new Settlement at the Expiration of the present Leases, we herewith transmit you a Copy of the proposed Institution, and of the Establishment of your Office.

We are, &c.

Fort William,  
the 29th November 1776.

Agreed, That the Letter be accordingly written to Messrs. Anderson and Bogle.

Agreed, That the following Letter be written to the Provincial Council of Moorshedabad.

To Mr. Edward Baber, Chief, &c. Provincial Council of Revenue at Moorshedabad.

Gentlemen,

Having appointed Mr. David Anderson to superintend an Office at the Presidency for the Preparation and Arrangement of some Materials for the new Settlement, his Seat at your Board is vacated.

We are, &c.

Fort William,  
the 29th November 1776.

Extract of Fort William Revenue Consultations, 3 December 1776.

The Governor General proposes the following Letter to the several Provincial Councils and Collectors, the Provincial Council of Patna excepted.

To Mr. Charles Goring, President, Council of Revenue at Calcutta.

(Circular, Patna excepted.)

Gentlemen,

Having thought proper to constitute an Office at the Presidency, for the Purpose of preparing and arranging the Materials for the ensuing Settlement, we direct you to give every Assistance in your Power in forwarding the Purposes of this Institution; and as the Governor General, in whose

Name



A P P E N D I X, N° 15.

*Name the Detail of the Business will be immediately conducted, will necessarily issue many Official Orders, you are commanded to enter such on your Records; and employ your Authority in every Instance in which it may be necessary to enforce them.*

We are, &c.

Fort William,  
3d December 1776.

Mr. Barwell—I approve.  
Ordered to be sent in Circulation.

Extract of Fort William Revenue Consultations, 6th December 1776.

Governor General—Among the many different Materials which will come before the Board for their Guidance in forming the ensuing Settlement, the accurate and distinct Accounts which are kept in the Office of the Accountant General to the Revenue, will form a considerable Part; these will require to be compared and elucidated with the Accounts which may be procured from the Districts. In this Branch of the Business I am desirous of obviating the Inconveniencies of frequent and formal Applications for Papers to the Accountants Office. I wish also to benefit by the Abilities and Knowledge of Mr. Croftes, which have been honoured with repeated Testimonies of the Company's Approbation, and from which, since the Removal of the Khaliá, I have derived essential Assistance. And

I therefore propose, that the Accountant General to the Revenue Department be joined to the Gentlemen already appointed to prepare and arrange the Materials for a new Settlement, for the special Purpose of assisting in forming such Accounts as have a Reference to the Offices now under his Charge, and for the general Conduct of the Detail of the new Office, so far as the other Duties will permit.

W. Hastings.

Agreed, That the Accountant General be accordingly joined to Messrs. Bogle and Anderson, for the Purposes mentioned in the Governor General's Minute.

The Secretary lays before the Board the following Letter from General Clavering, containing his Protest to the Letter to Messrs. Anderson and Bogle.

Sir,

Having protested against the Measure which has been adopted by the Governor General and Mr. Barwell, calling themselves a Board to appoint an Office to order and manage the Revenues, as illegal, I will not authorize it by my Signature to a Letter to Messrs. Anderson and Bogle, to order them to exercise any Powers under the special Controul of the Governor General, independent of the Council, in any Office whatever.

I am, Sir,  
Your most obedient Servant,  
(Signed) J. Clavering.

Calcutta,  
30th November 1776.

To Mr. Rich<sup>d</sup> Sumner, Secretary to  
the Council of Revenue.

The Secretary lays before the Board the Minutes received from Mr. Francis and General Clavering, relative to the Circular Letter proposed to be written the 3d Instant.

Mr. Francis—The Objections which I have already stated comprehend the whole Measure, both in Form and Substance.

A Condemnation of the general Principles and avowed Objects of the Institution of the new Office, of course includes every Arrangement proposed for promoting the Operation of those Principles, or accomplishing those Objects; and on this Ground I meant to have rested, without any further Opposition to the original Resolution of the Board.

But the present Motion goes beyond my first Idea of the Institution, and is not, in my Opinion, warranted even by the Terms of the Governor's first Minute.

The Office was to be under the Conduct of Two Covenanted Servants of the Company, and all Orders issued from it were to be written in the Name of the Governor General: Such Orders, as I understood the Proposal, could only be issued to the Officers and Agents of the Office itself, or to Persons subordinate to it in Rank and Station: Official Orders, whether for Information or Obedience, descend by their Nature, and cannot be issued from an inferior Board to a superior.

Supposing

## A P P E N D I X, N<sup>o</sup> 15.

Supposing this to be only a formal Objection, removable by the Use of the Governor General's Name, or by his Signature, I do not think that the Board can safely delegate an exclusive Power to him to send Orders to the Revenue Boards immediately subordinate to the Supreme Council, or that the Members of those Boards would be bound to obey them.

If a Resolution of a Majority, or even of the whole Council, can delegate an exclusive Power to any Member of it, to issue Orders in Matters of Revenue to the Boards immediately subordinate to us, there is no Branch of Power vested in me by Law, of which a similar Resolution may not divest me: But even if it were lawful, I do not deem it safe or expedient to delegate the Power required by the Governor; because, in the first Place, the Provincial Councils are not made acquainted with the Purposes of the Institution, which nevertheless they are directed to follow; and secondly, because I see no Security upon the Face of the Institution, that such Power may not be applied to Purposes which have not received the general Sanction of the Board.

The Provincial Councils are to *employ their Authority in every Instance in which it may be necessary to enforce the official Orders of the Governor General.* The Whole of their Power therefore, whatever it is, will center with the Governor; and if not, they ought to be informed to what particular Objects his independent Authority is to be confined, and by what Rules their Submission to it is to be limited: The Obedience required by the proposed Orders, is unlimited and indefinite. The Governor General himself does not precisely know the Extent or Quality of the Orders which it may hereafter be necessary for him to issue. In one of his last Minutes he observes, *that he cannot pretend to fix with Precision the Means by which this Design is to be prosecuted, that these must in a great Measure arise out of the Business in its Progress.*

But if a Delegation of the Power in question be in any Degree hazardous, it seems equally unnecessary; since whatever Orders the Governor General may think fit to have communicated to the Provincial Councils, or enforced by their Authority in the Districts, may be signed by the Board without any Inconvenience.

With respect to myself, the Motion seems particularly superfluous: Having admitted it to be my Duty to *assist even in the Conduct of Arrangements which I may not approve, and to promote their Success when once they are resolved on,* no Plea is left for transferring to another that Share in the Conduct of the Public Service which belongs to me, and which I have not declined.

For these Reasons I do not deem it either safe in Law, or consistent with the general Duty of my Station, to sign any Order to the Provincial Councils to the Effect proposed by the present Motion.

(Signed)

P. Francis.

30th November 1776.

General Clavering—The Legislature having vested the Power of managing and ordering the Territorial Possessions and Revenues belonging to the East India Company in Bengal, as well as the Government thereof, in Five Persons, of which Number I have the Honour to be one; and not being disposed to deprive myself of any of the Rights which have been thus assigned to me, I have, by Three different Minutes, protested against the Establishment of an Office proposed by the Honourable Warren Hastings, Esquire, Governor General of these Provinces; which must in Effect, as I conceive, vest in him principally the Management, Ordering, and Government of the same, for the alleged Purpose of making a new Settlement, under the Pretence of compiling and collecting the Accounts of the past Collections, of digesting the Materials which may be furnished by the Provincial Councils, of issuing Orders for special Accounts, deputing native Officers on occasional Investigations, and finally, for collecting Materials for issuing new Pottahs, and for establishing a more permanent and regular Mode of Taxation; which Proposition, made by the Governor General, having received the Assent of Richard Barwell, Esquire, one of the Members of the Council, is being, according to Law, a Resolve of the Government: That I may not be necessary, therefore, to the depriving myself of any of the Powers inherent in or belonging to the Ordering, Management, or Government of the Territorial Acquisitions and Revenues of these Provinces, or giving Sanction or Authority to others to obey the Orders which may be issued by the said Warren Hastings, Esquire, Governor General, which have not the Signature or Sanction of the other Members of the Council; I dissent to the Letter as it is now proposed, or to any other Letter to the same Purport and Effect, being written to the Provincial Councils, or to any other Persons, and declare I will not sign the same: And I further declare, that I will, to the utmost of my Power, render every Person answerable for every Act done by them in the Management, Ordering, or Government of these Provinces, by virtue only of an Order issued by Warren Hastings, Esquire, Governor General, as his own Act, independent of the Council.

(Signed) J. Clavering.

The Secretary is ordered to write the Circular Letter, and wait upon each of the Members for their Signature.

# A P P E N D I X, .. N<sup>o</sup> 15.

Extract of Fort William Revenue Consultations, 10th December 1776.

The Secretary lays before the Board the Answers delivered by General Clavering and Mr. Francis, on his requesting them to sign the Circular Letter, agreeably to the Board's Commands last Day.

General Clavering—I have already in several Protests delivered my Opinion, that the Office which has been established under the Authority of Mr. Barwell and the Governor General, forming a Majority of the Board, is illegal; and I still adhere to that Opinion. I have likewise protested against the Appointment of Messrs. Anderson and Bogle, Superintendants for preparing and arranging Materials for the new Settlement; as I did to the Draught of the Circular Letter, which being written fair, is brought to me by Mr. Secretary Sumner, by the Orders of the Governor General and Mr. Barwell, to sign. If other Reasons than those I have already given are expected from me by this Message, I can alledge the following: That the Governor General has declared that he already possessed the Powers, which he requires from the whole Council, by virtue of his Office as President. If that be so, why does he apply for further Authority from the Board? But it would seem as if he doubted the Existence of this inherent Right in him, by this Application to the Board to be authorized by them to exercise it. I have before said, that I am not disposed to dispossess myself of any of the Powers which have been committed to me by the Legislature; nor do I believe that, was I so disposed, I could resign (saving the Impossibility of executing the Duties of my Office on account of ill Health) the Trust which the Legislature has reposed in me, excepting to the King himself. If I cannot resign my Trust, much less do I think I can resign it over to another Member of the Board, because I am responsible to the Legislature for the due Performance of it; and the Delegation of it to another Member would not only take from me the Responsibility, of which I cannot legally divest myself, but would alter the Constitution of the Council, by encreasing the Power of such other beyond the Bounds which the Legislature designed to give to each of them separately. My Opinion then is, that the Governor General and Council can neither extend nor contract their own Powers; and consequently I deem every Act illegal which shall take Powers from any one Member of the Council to give them to another, seeing that such Powers as were judged necessary for the Constitution of this Government were given collectively and inseparably to the whole Body of the Council. But if the Person to whom new Powers are to be given should happen to be the Governor General himself, who besides claims separate and distinct Powers inherent in him as President of the Council, the Danger to be apprehended would be thereby so much the greater, as it would unite in himself all the separate and independent Powers which he claims as President of the Council, added to those which are now unconstitutionally given to him by a Majority of the Board. I know that the Act of Parliament by which this Council is formed, directs that the Governor General and Council shall obey all Orders given by the Court of Directors, and that they are positively informed the Members of the Council subscribe their Names to all Letters written by the Direction of the Majority of the Board, notwithstanding any Contrariety of Opinion entertained by any of the Members on the Resolution which those Letters are to carry into Effect; but it cannot be supposed that this Order of the 17th of December 1765, previous to the passing of the Act of Parliament, can bind the present Members to sign Letters or Orders which they deem illegal, and consequently to authorize, by the Sanction of their Name, every illegal Act which the Majority may think proper to commit. Supposing, for Example, that by the concurring Votes of Mr. Barwell and the Governor General, the latter should be appointed to take Charge of all the Civil and Military Powers under this Presidency, and that Letters should be written to all the Company's Civil and Military Servants, directing them to obey him, and him alone; I would ask, whether the Refusal or Acquiescence to subscribe such Letters would be a legal or an illegal Act? As I consider the Circular Letters which are now before me are intended to require Obedience to the Orders which the Governor General may think proper to give to the Provincial Councils in his own Name, separately from the Council, and which may possibly have the Effect of repealing or abrogating all the Orders hitherto given by the Governor General and Council; or that, under the general Direction to Provincial Councils, in the Letter before me, *to employ their Authority in every Instance in which it may be necessary to enforce official Orders of the Governor General*, the present Mode of ordering and managing the Territorial Possessions and Revenues may be altered; for this and other Reasons I cannot, consistently with the Duty which I owe to the Legislature, to the Company, and to myself, set my Hand to the Circular Letter to the Provincial Councils, which has been brought to me by Mr. Sumner.

(Signed) J. Clavering.

Fort William, 9th December 1776.

To Richard Sumner, Esquire.

Sir,

My Objections to the Resolution of the 3d Instant have been already stated at large; the Ground however on which I rest my Refusal to sign the proposed Letter to the Provincial Councils, is this: The Law expressly vests the Ordering, Management, and Government of the Territorial Acquisitions and Revenues, in the Governor General and Council: This is a joint Trust, therefore, which I cannot

not

## A P P E N D I X, N<sup>o</sup> 15.

not lawfully alienate or surrender, otherwise than by resigning my Place in the Council, to which I apprehend such Alienation or Surrender would in Law be deemed equivalent.

Under the Governor General and Council, and subject to our Orders, the Provincial Councils are, in the next Degree, entrusted with similar Powers in their respective Districts. Now the proposed Letter directs these Councils to employ their Authority in every Instance in which it may be necessary to enforce the official Orders issued by the Governor General alone. The Extent and Quality of such official Orders are not defined; nor, if they were, is there any Security on the Face of the Order, that it may not in Effect be applied to the uniting in the Governor General those Powers over the Territorial Acquisitions and Revenues, which by Law are jointly vested in the Governor General and Council.

I am,

Sir,

Your most obedient humble Servant,

(Signed) P. Francis.

### Extract of Fort William Revenue Consultations, 20th December 1776.

Governor General.—The Refusal of General Clavering and Mr. Francis to sign the Circular Letter to the Provincial Councils, and the Objections which are stated in their Minutes, force me reluctantly to continue a lengthened Controversy.

By the original Institution of the Office, its Functions are confined merely to collecting and preparing Materials; the Orders which are to be issued from it in my Name, are only such as shall have received the general Sanction of the Board. It is impossible clearly to define the Business of the Office, or to circumscribe its Authority with stronger Barriers. The Letter in question serves only to notify this Institution to the Provincial Councils. But by a Perversion of Terms, and a strained Construction, it is made to convey a Meaning totally foreign from the Subject. The Preparation of Materials for the new Settlement is declared to be equivalent to ordering, managing, and governing; and the issuing of such official Orders for collecting Materials as shall have received the general Sanction of the Board, is deemed to be the Exercise of an Authority which includes every Power of Government.

The Words of the Letter are as follow: "And as the Governor General, in whose Name the Detail of the Business (viz. preparing and arranging Materials for the ensuing Settlement) will be immediately conducted, will necessarily issue many official Orders; you are commanded to enter such on your Records, and employ your Authority in every Instance in which it may be necessary to enforce them."

The Word "enforce" clearly implies Orders given to others, and not to the Provincial Councils; and the Words "every Instance in which it may be necessary," serve to confirm this Meaning; because, if the Orders were issued to them, their Obedience would be necessary in every Instance without an Exception. The evident Design of the Letter was a formal Notification of the new Office to the Provincial Councils, which was indispensably necessary to prevent the Competition between their Officers, and those who might be immediately deputed from the Office at the Presidency. To this Letter General Clavering objects; alledging as a Reason, "that he considers it as intended to require Obedience to the Orders which the Governor General may think proper to give to the Provincial Councils in his own Name separately from the Council;" and Mr. Francis declares, that "the Board cannot safely delegate an exclusive Power to the Governor General, to send Orders to the Revenue Boards immediately subordinate to the Supreme Council, or that the Members of those Boards would be bound to obey them." Thus, by perverting the plain Meaning of the Words, General Clavering and Mr. Francis, in direct Disobedience to the Company's Orders, and in the Face of the late Act of Parliament, have refused to sign the Circular Letter to the Provincial Councils.

I never claimed the Power, nor had any Intention of issuing Orders in my own Name to the Provincial Councils. I did not even propose to issue any Orders whatsoever, but for the Execution of such particular Services as should first have received the general Sanction of the Board. When I deviate from these Principles, I may be charged with the Usurpation of undue Power. While I adhere to them, Mr. Francis himself must allow that, "for the Dispatch of a voluminous and intricate Business, I am issuing Orders purely of Detail, under the general Sanction of the Board," and as such ought to approve of his former Declarations.

In like Manner I correspond with the different Powers in India; I issue Orders to Cheyt Sing, to the Provincial Dewans, and to others, under the Company's Authority. In like Manner I issue Orders to the Troops at the Presidency; in like Manner General Clavering issues Orders to the Army. But was it ever objected to the Exercise of such an Authority, "that it may possibly have the Effect of repealing or abrogating all the Orders given by the Governor General and Council;" or, because the Extent and Quality of such official Orders are not precisely defined, that it may in Effect be applied to the Exercise of every Power of Government?

Upon the Whole, I am at a Loss to know in what Manner the general Notification could have been communicated to the Provincial Councils in a more regular and unexceptionable Form; in what Terms the Functions of the Office could have been better ascertained, or its Powers more distinguished

# A P P E N D I X, - N<sup>o</sup> 15.

distinguished from those of ordering, governing, and managing, than by the Words "preparing Materials for the ensuing Settlement;" or by what Expressions the Extent of the Orders to be issued in my Name could have been more clearly limited and defined, than by those of "Detail of Business," and "Official Orders."

(Signed) Warren Hastings,

December 12th, 1776.

General Clavering, in Answer to the Governor General's Minute on the 12th Instant.

On Mr. Francis and myself refusing to sign the Circular Letters which have been sent to the Provincial Councils, directing them to obey the Orders which the Governor General may send from his new Office, he has delivered in a Minute, dated 12th Instant, declaring that we have perverted the plain Meaning of the said Letter, and that our Refusal to sign it is a Disobedience to the Company's Orders, and a Violation of the late Act of Parliament.

In support of this Allegation, the Governor General sets forth, that the Sense of those Words in the Letter, "the Governor General will necessarily issue many official Orders, *you are commanded*" to enter such on your Records, and *employ your Authority* in every Instance to enforce them," is not to be understood to be given to the Provincial Councils, but to those Persons who are immediately to perform the Service required.

To elucidate this Assertion, the Governor General attempts to establish a Distinction between enforcing and executing, by saying, that *enforce* implies Orders given to others, and not to the Provincial Councils. If this Construction of the Sentence in the Letter were to be admitted, it would follow that all Responsibility is at once removed from the Provincial Councils, by their being no longer considered as the Executors of an Order, but the Channel of conveying it. But I apprehend that taking the Letter in this Sense would be a real Perversion of it. The Mode of Proceeding of a Provincial Council in a similar Case should be to record the Order, to deliberate on it, to issue it to the Farmers and Agents under their Controul, and finally to enforce it, in the same Manner as the Commanding Officer in the Field, who after receiving an Order of Government becomes answerable in every Instance for the full and due Execution of it, though he be in Fact only the Medium through which the Execution of the Order is to be enforced. If this Illustration of the Letter be just, I conclude, that when I asserted in my former Minute that I considered it as intended to require Obedience to the Orders which the Governor General might think proper to give to the Provincial Councils in his own Name, separate from the Council, and consequently refused my Signature to it, I did not pervert the plain Meaning of the Words, nor act in Disobedience to the Company's Orders, nor in Face of the late Act of Parliament, by withholding my Signature to a Letter that directed the Execution of a Measure which I then held, and still deem illegal.

I flatter myself that in the Decision of the Court of Directors in this Affair, I shall not meet with the same Fate that attended the Refusal of the Governor General, on the 17th March 1775, in withholding his Signature from Orders which he at that Time judged illegal; and I could wish that as he has found by a Declaration of that Honourable Court his Error in that Opinion, he would now well weigh the Possibility of his receiving another Censure for his carrying on a Correspondence with the Provincial Councils in his single Name, either under the Pretence of his acting by the general Sanction of the Board, or by virtue of his Prerogative as President of the Council.

In respect to the First, he cannot legally obtain it, even from the united Voice of the Board, as they can neither increase nor diminish the proportionate Powers allotted to each Member respectively; and to the Second, whatever he might have possessed under the former Government, he certainly does not now enjoy. Since the new Administration took place, all the Letters which have been written to the Maratta Chiefs, to the Viziers, to Nudjif Cawn, to Cheyt Sing, and even to Mahomed Reza Cawn, (not being complimentary) have been previously submitted to the Approval of the Board; no Comparison therefore can be drawn from the Governor General's Name being fixed officially to those Letters, any more than those which are written by the Commander in Chief to the Officers of the Army: As for myself, in that Capacity I disclaim all independant Powers of the Council; although receiving my Authority expressly from the Court of Directors, I think myself as much entitled to separate and independant Power, as the Governor General may do in his Capacity of President of the Council.

Upon the Whole of this Business, I will candidly confess that the deep Impression which I have of the Propriety and Necessity of a firm Union in Government, would have prevailed on me to have relinquished my Scruples on the Legality of the present Measure, could I have been convinced of the Efficacy of the Governor General's Plan in promoting the Welfare of the Country; but being persuaded that it is founded in private, not public Policy, and in its Effects threatening the Completion of the Ruin of this Country, I could not avoid opposing it. To what Degree this is already effected, the Court of Directors will be enabled to judge by the Valuation which the Natives now set on the Lands, exemplified by the Statement of the Sale of the Zemindarries, of Talooks, recorded in the Consultation of 10th December 1776; the View of which I hope will justify my Suspicion of Fallacy

# A P P E N D I X N° 15.

in Projects originating from the same Source from which the Country has been reduced to the Condition it too evidently appears to be in from the above Fact.

## ACCOUNT of the Jumma, Balances, and Sales, of the Five following Zemindarries and Talooks.

		Nett Jumma.	Balances.
Pergunnah Shazadpore —	—	8,957 7 17 1	3,842 13 19 2
Talook Baboo Ram —	—	Sold for 4,401, at public Outcry.	
Pergunnah Gofe Gong —	—	2,377 7 5	1,762 13 15
Talook Sybram —	—	Sold for 900, at public Outcry.	
Pergunnah Muscoory —	—	1,282 7 13 2	728 4 2
Talook Soondar —	—	Sold for 800, at public Outcry.	
Pergunnah Shazadpore —	—	15,719 8 3	13,231 2 18
Talook Ram Ram —	—	Sold for 4,500, at public Outcry.	
Pergunnah Ackerbershaye —	—	6,776 10 —	4,183 5 —
Talook Mancher —	—	Sold for 6,000, at public Outcry.	

(Signed) J. Clavering.

Governor General—As I think the Subject to which the General's Minute refers, is already exhausted, I shall only refer to my own Minute preceding it, for a Reply to the Arguments and Objections contained in it.

The Governor General lays before the Board a Report which he has received from Messrs. Anderson, Crottes, and Bogle, together with a List of Aumeens recommended to be deputed into the Districts. He requests the Board's Approbation of the temporary Establishment therein proposed; and he recommends that Letters be written to the Calcutta Committee, to the Provincial Councils of Moorshedabad, Burdwan, and Dinagepore, and to the Collector of Baughleypore, informing them of the Names of the Aumeens deputed into the Districts in their respective Divisions, and of the Purposes of their Appointment, and requiring them to afford the Aumeens every Assistance; according to the accompanying Draft. The Governor General also lays before the Board a Draft of the Instructions which he proposes to give the Aumeens.

(Signed) Warren Hastings.

To the Honourable Warren Hastings, Esquire, Governor General.

Honourable Sir,

Having duly deliberated on the most effectual Means of accomplishing the Objects of the Honourable Board, in appointing us to superintend an Office for collecting and arranging Materials for the ensuing Settlement, we are of Opinion, that in order to ascertain the real Value of the Lands, the Nature of the Ryots Pottahs in different Parts of Bengal, and to elucidate the other Points recommended in our Instructions, it will be necessary to depute Native Officers into the Country, for the sole and express Purpose of collecting such Accounts and Information as have a Reference to the Business of our Office.

We beg Leave therefore to enclose a List of Persons recommended by the Paischar, as well qualified to execute this Duty in the several Districts to which they are nominated, together with the Monthly Establishment proposed to be assigned them.

From the Vicinity of the Calcutta Lands, and the Hoodas of Houghley, we are of Opinion that the Accounts of these Districts may be collected by the Officers of the Sudder Sherista, without incurring any additional Expence: We therefore recommend that Neir Sing, who is already employed under us, be nominated to perform that Duty, assisted by some of the Mohrirs included under the Sudder Establishment.

There are a few other Districts for which our Paischar has not yet fixed upon proper Aumeens. We expect in a few Days to be able to address you concerning them.

We have the Honour to be, with Respect, &c.

(Signed) D. Anderson,  
Chas. Crottes,  
Geo. Bogle.

Calcutta,  
17th December 1776.



# A P P E N D I X, N° 13.

## LIST of AUMEENS, with their Establishment.

### NUDDDAH.

Prown Bofs, Aumeen	—	—	—	—	150
Hernanain Ghofe, Carcoon	—	—	—	—	40
Bolonaut Sein, Head Mohrer	—	—	—	—	25
12 Mohrers, at 20 R <sup>a</sup> each	—	—	—	—	240
2 Dufterbunds, at 3 R <sup>a</sup> each	—	—	—	—	6
1 Jemidar	—	—	—	—	5
10 Peons, at 3 R <sup>a</sup> each	—	—	—	—	30
Ink, Paper, &c.	—	—	—	—	24
					<hr/> 520

### JESSORE.

Sham Sundur, Aumeen	—	—	—	—	100
Devy Churn, Carcoon	—	—	—	—	35
Hurry Kishen, Head Mohrer	—	—	—	—	25
5 Mohrers, at 20 R <sup>a</sup> each	—	—	—	—	100
1 Dufterbund	—	—	—	—	3
1 Jemidar	—	—	—	—	5
5 Peons	—	—	—	—	15
Ink, Paper, &c.	—	—	—	—	12
					<hr/> 295

### SEYDPORE.

Lall Beharee, Aumeen	—	—	—	—	75
Raduh Mohn Dafs, Carcoon	—	—	—	—	30
Anunderam Bole, Head Mohrer	—	—	—	—	25
3 Mohrers	—	—	—	—	60
1 Dufterbund	—	—	—	—	3
1 Jemidar	—	—	—	—	5
4 Peons	—	—	—	—	12
Ink, Paper, &c.	—	—	—	—	7
					<hr/> 217

### MAHMOUD SHAHY.

Bilhenaut Roy, Aumeen	—	—	—	—	100
Sheibnaut Roy, Carcoon	—	—	—	—	50
Ramnaut Ghofe, Head Mohrer	—	—	—	—	20
5 Mohrers	—	—	—	—	100
1 Dufterbund	—	—	—	—	3
1 Jemidar	—	—	—	—	5
5 Peons	—	—	—	—	15
Ink and Paper	—	—	—	—	12
					<hr/> 305

### HEDGELEE.

Rogeo Ram Metre, Aumeen	—	—	—	—	100
Ramfunder Mozander, Carcoon	—	—	—	—	40
Belenaut, Head Mohrer	—	—	—	—	25
7 Mohrers	—	—	—	—	140
1 Dufterbund	—	—	—	—	3
1 Jemidar	—	—	—	—	5
7 Peons	—	—	—	—	21
Ink and Paper	—	—	—	—	16
					<hr/> 350

# A P P E N D I X, N<sup>o</sup> 15.

## MYSODUL and TUMLOOK.

G. wry Chun Sing, Aumeen	—	—	—	100
Buggerut Sing, Carcoon	—	—	—	30
Radachurn, D <sup>o</sup>	—	—	—	30
Ramdulolleroy, Head Mohrer	—	—	—	25
6 Mohrers	—	—	—	120
1 Dufterbund	—	—	—	3
1 Jemidar	—	—	—	5
5 Peons	—	—	—	15
Ink and Paper	—	—	—	12
				340

## R A J E P O O R, &c. Division of Rajeshahee.

Santeo Bhefe, Aumeen	—	—	—	100
Surbunnah Hedjira, Naib	—	—	—	75
Ramcant Chowdry, Carcoon	—	—	—	40
Nehal Biffwafs, D <sup>o</sup>	—	—	—	30
Bowanny Mevin Befe	} Head Mohrers	—	—	50
Ramperlaud Sing		—	—	50
9 Mohrers, at 20 R <sup>e</sup> each	—	—	—	180
2 Dufterbunds, at 3 each	—	—	—	6
2 Jemidars, 5 D <sup>o</sup>	—	—	—	10
10 Peons, 3 D <sup>o</sup>	—	—	—	30
Ink, Paper, &c.	—	—	—	34
				555

## B H E T T O U R Y A H, &c. Division.

Ram Ram Bose, Aumeen	—	—	—	200
Anunderam Buxey, Head Naib	—	—	—	50
Babooram Metre, Naib for Nuldee Division	—	—	—	75
Ram Ram Dafs, Sheristeda Pockeryah	—	—	—	35
Nundelall Ghose, D <sup>o</sup> Shais Ojeal	—	—	—	40
Locknaut Bougehee, D <sup>o</sup> Suroopeor	—	—	—	30
Punchunund Sein, D <sup>o</sup> Nuffiebhahy	—	—	—	30
Chundry Churn, Head Carcoon	—	—	—	40
6 Carcoons for the different Divisions	—	—	—	135
Samberoom, Head Mohrer	—	—	—	25
19 Mohrers for the different Divisions	—	—	—	380
6 D <sup>o</sup> , 15 each	—	—	—	90
6 Dufterbunds, at 3 each	—	—	—	18
6 Jemidars, 5	—	—	—	30
36 Peons, 3	—	—	—	108
Ink, Paper, &c.	—	—	—	43
				1,329

## F U T T Y S I N G.

Radah Madoo Chowdry, Aumeen	—	—	—	50
Ram Suntore Bhofo, Carcoon	—	—	—	30
2 Mohrers	—	—	—	35
1 Dufterbund	—	—	—	3
1 Jemidar	—	—	—	5
4 Peons	—	—	—	12
Ink, Paper, &c.	—	—	—	8
				143

# A P P E N D I X, N° 15.

## K H A S S T A L O O K S.

Bowanny Churn Mozindar, Aumeen	—	—	75
Samboo Sing, Carcoon	—	—	35
3 Mohrers	—	—	60
1 Dufterbund	—	—	3
1 Jemidar	—	—	5
4 Peons	—	—	12
Ink, Paper, &c.	—	—	5
			<u>195</u>

## J E H A N G U I P O R E.

Berjornoleum Chowdry, Aumeen	—	—	75
Bulram Ghofe, Carcoon	—	—	30
Jagmeahun Chowdry, Head Mohrer	—	—	25
4 Mohrers	—	—	80
1 Dufterbund	—	—	3
1 Jemidar	—	—	5
5 Peons	—	—	15
Ink, Paper, &c.	—	—	12
			<u>245</u>

## B E E R B O O M.

Nundeloll Sing, Aumeen	—	—	120
Ram Ram Bucket, Carcoon	—	—	45
Jagernaut Mojendar, Head Mohrer	—	—	30
Ram Chant Ghofe, Mohrer	—	—	25
9 Mohrers	—	—	180
1 Dufterbund	—	—	3
1 Jemidar	—	—	5
5 Peons	—	—	15
Ink, Paper, &c.	—	—	17
			<u>440</u>

## R U N G P O R E.

Ram Govin Ghofe, Aumeen	—	—	125
Odjedaram Dala, Carcoon	—	—	40
Ramperaud Rey, Head Mohrer	—	—	25
9 Mohrers	—	—	180
2 Dufterbunds	—	—	6
1 Jemidar	—	—	5
8 Peons	—	—	24
Ink, Paper, &c.	—	—	15
			<u>420</u>

## E D R A C K P O O R.

Ram Churn Roy, Aumeen	—	—	75
Gocul Biffwafs, Carcoon	—	—	35
Kishen Jeivun Roy, Head Mohrer	—	—	25
4 Mohrers	—	—	80
1 Dufterbund	—	—	3
1 Jemidar	—	—	5
4 Peons	—	—	12
Ink, Paper, &c.	—	—	12
			<u>247</u>

## B H A R B U N D.

# A P P E N D I X, N<sup>o</sup> 15.

## B H A R B U N D.

Allum Chund Sein, Aumeen	—	—	—	60
Ram Huny Sing, Carcoon	—	—	—	30
3 Mohrers	—	—	—	60
1 Dufterbund	—	—	—	3
1 Jemidar	—	—	—	5
5 Peons	—	—	—	15
Ink, Paper, &c.	—	—	—	10
				<hr/> 183

## B A U G L E P O R E.

Fuckeer Chund, Aumeen	—	—	—	100
Bobun Sing, Carcoon	—	—	—	40
Turah Chund, Head Mohrer	—	—	—	30
4 Mohrers	—	—	—	80
1 Dufterbund	—	—	—	3
1 Jemidar	—	—	—	5
5 Peons	—	—	—	15
Ink, Paper, &c.	—	—	—	10
				<hr/> 283

## B I S H E N P O R E.

Guyzam Bundoo Puddeah, Aumeen	—	—	—	125
Durgaram Sing, Carcoon	—	—	—	40
Ram Chum Metre, Head Mohrer	—	—	—	25
5 Mohrers	—	—	—	100
1 Dufterbund	—	—	—	3
1 Jemidar	—	—	—	5
5 Peons	—	—	—	15
Ink, Paper, &c.	—	—	—	12
				<hr/> 325

## Twenty-four Pergunnahs and Hoodas of HOUGHLEY.

Neir Sing, Aumeen, affited by Mohrers of the Suder Sheristah	—
	<hr/> 6,392

## D R A F T of Instructions to the Aumeens.

### For Nuddea.

As it is necessary to ascertain the Huftabood of the Lands, you are appointed an Aumeen, for the Purpose of collecting the Accounts of the Pergunnahs of Aurah, &c. (the Zemindarry of the Rajah of Nuddea.) You will accordingly proceed to the Sudder Cutcherry; and upon your Arrival, you will demand from the Zemindar, the Kurkinnidars, the Etimaundars, and the rest of the Zemindarry Officers and People employed in the Revenue Business, the Accounts of the Jumma, of the Collections, of the Balances, of the Serinjammy, and other Expences incurred in the Collections of the Revenues, and the other Business of the Mofussil, from the Beginning of the Bengal Year 1179, or the Time of the Settlement made by the Committee of Circuit.

You will then demand from the Pulwarries of Two or Three Villages of each Division, held by Kutkinadar or Etmandar, the Accounts of the Ryots; and by comparing them, you will ascertain the Truth or Falseness of the Accounts delivered to you by the Etmandar or Kutkinadar.

In the same Manner you will checque what you may have received from the Zemindar, by comparing them with those of the Etmandars and Kutkinadars.

You will compare the Accounts of the Jumma of 1178 with those of the Jumma of 1179, and the subsequent Years, down to this Time, tracing the different Articles of Increase or Decrease. You will also procure the Accounts of the Chekerans Lands and Bauzee Zemcen.

You will send all the Papers above-mentioned to the Huzzoor, authenticated by the Seal and  
 SEL. COM. REP. VI. R r Signature

## A P P E N D I X, N<sup>o</sup> 15.

Signature of the Person from whom you receive them, and attested by the Deputies of the Canongoes.

You will ascertain the Nature of the Ryots Pottahs, the Manner in which they pay their Rent, and every Circumstance relative to the Nerrickbunde; with this View, in Districts which have been encreated, you will demand the Jummabundy Accounts of Three Villages, taken indiscriminately; and in Districts where the Accounts of the Measurement are not to be found, having enquired into Circumstances of the Land, the Jumma, the Dakhel, and Khairidge (or Annexations and Alienations) and having ascertained the State of the Nurrick in One or Two Villages, you will cause the Putwarries to form a Jummabundy Account of them for the Year 1182.

All the above-mentioned Accounts, as well as those of the Jummabundy, you will send down as soon as they can be got ready for the Inspection of the Huzzoor.

In the Course of this Business, if you should meet with any Obstructions, you will apply to the Chief of the Provincial Council, who will afford you every necessary Assistance. You must be particularly cautious and circumspect, and you must strenuously exert yourself to accomplish the Objects of your Appointment fully and accurately. If any of the Officers of the Zemindars, Kurkinadars, or Etmaundars, in furnishing you with Accounts attempt to deceive you, or are guilty of Neglect, or in any other Respect behave improperly, their Conduct will not escape the Observation of the Huzzoor; it will immediately be reformed: Whereas, on the contrary, if it appears that they act candidly and fairly, it will be for their Advantage. In Proportion as you discharge your Duty with Zeal and Integrity, your Character will be raised, and you will be entitled to the Favour and Consideration of Government.

You will regularly communicate to the Huzzoor the State of your Business, and represent such Matters in the Course of it, as require Orders: And you are in every Thing to be regulated by the Instructions of the Huzzoor.

### D R A F T of Circular Letter to the Provincial Councils.

On the 3d Instant, you were informed of our having established an Office at the Presidency, to prepare and arrange Materials for the ensuing Settlement. In consequence of that Institution, the following Officers have been appointed to proceed into your Division, to collect from the Zemindars, Farmers, and Etmaunders, and the inferior Officers of the Collections, the Mutual Accounts of the past Collections and Charges, in order to ascertain the real Value of the Lands, as the Groundwork of a just and equal Assessment. They are also instructed to procure exact Information concerning the Nature of the Ryots Pottahs, and the Rates of Land in different Parts of the Country.

We direct you to grant them effectual Assistance in the Prosecution of the Business assigned them.

We are, &c.

Fort William,  
the 10th December 1776.

Mr. Francis—I disapprove.

Mr. Barwell—I approve.

General Clavering—I disapprove.

Resolved, That the Aumeens, with their Establishments, and the Instructions proposed to be given them, be confirmed; and that the Draft of the Circular Letter be copied fair, and dispatched.

The Governor General and Mr. Barwell having thought proper to address the Honourable the Court of Directors, now deliver in a Copy of their Letter, dated 12th December.

To the Honourable the Court of Directors for the Affairs of the Honourable the United Company of Merchants of England trading to the East Indies.

Honourable Sirs,

We were in Hopes that the Necessity of importuning you with Appeals from one Part of your Administration against the Acts of the rest, would have been long since removed by the decisive Interposition of your Authority, or have eventually ceased, on our Parts at least, when we became possessed of the constitutional Means of conducting your Affairs; and we have little personal Encouragement to renew this Mode of Address: But we should be wanting in our Duty were we to conceal from you the Difficulties with which we are threatened, or leave you to collect them as Occurrences from the ordinary Course of Business, from your Records at large, or from the miscellaneous and desultory Enclosures, with which each Dispatch has of late Years been improperly crowded.

You have been regularly advised by the public Letters written from the Revenue Department, of the

## A P P E N D I X. N<sup>o</sup> 15.

the Office which has been lately created for the Purpose of collecting Materials for forming the new Settlement of the Province, after the Expiration of the present Leases, which will end in April next. This passed with the Opposition which we naturally expected: Mr. Francis simply objected to the Office, and to the conjectural Effects of it, but seemed to promise his Support in the Conduct of it: That we may not be suspected of a Misconstruction of his Words which imply such a Promise, we will add them as they stand in his Minute of the 5th of November: They are as follow:

“ I deem it my Duty in the first Instance to deliver my Sentiments freely on every Measure which has Relation to this important Subject; in the next, to assist even in the Conduct of Arrangements which I may not approve, and to promote their Success when once they are resolved on.”

General Clavering objected to the Office on Grounds of which we were not aware, pronouncing it illegal, and added, “ that he could not strain his Sense of Duty to promise, as Mr. Francis did, that he would support it when it was resolved to be carried into Execution.” We are at least obliged to him for this undisguised Avowal of his Sentiments, which sufficiently indicated a Determination to oppose the Measure in all its Operations: We think that Mr. Francis would have acted with more Propriety, if he had been as ingenuous; but to our Astonishment, his next Minute, dated the 23d November, contained a direct Retraction of the Promise made by him on the 5th, in the following Words:

“ I have at all Times been ready to contribute my utmost Endeavours to execute the Resolutions of Government, and to promote the general Dispatch of Business: While I have the Honour of holding this Station, I will not decline taking my Share in any of the Labours or Duties that belong to it: In the present Instance, I am not aware that my Assistance can be of any Service to the Governor General, since by the Plan of the proposed Office, the Business allotted to it is to be exclusively under his Direction; my Objections, whether weighty or not, were meant to include the whole Measure.”

Whether Mr. Francis had caught the Spirit of Hostility from General Clavering, or had hitherto thought proper to suppress it, or chose this Method of expressing his Relentment for the Intention of recalling Mr. Bristow from the Court of the Nabob of Owde, with which he was at this Time acquainted, we shall not in this Place examine: His Conduct since has been uniform with the Declaration of General Clavering. Instead of “ assisting in the Conduct of Arrangements which he did not approve, and of promoting their Success when they had been once resolved on,” he has opposed even the formal Notification of the new Office to the Provincial Councils, has protested against it on the Plea of Illegality, adopted from the General, of which there is not the most remote Hint in his first Minute; and both the General and Mr. Francis have repeatedly refused to sign the Letters which contain the Notification.

This brief Narrative will be sufficient to convey to you a general Idea of the Subject, and to connect the enclosed Minutes which have passed upon it, of which this Letter is chiefly meant as a Conveyance.

We must suppose that it will be the Cause of great Alarm to your Honourable Court, to hear that a Design of such Importance as that in which we have engaged, should not only have been opposed in its first Formation, but that it should have produced a Separation of the Powers of your Council, by the avowed Application of those possessed by one Part of it, to counteract and defeat those of the other, even in the regular and constitutional Acts of Government.

On this Occasion we hope we may be allowed to call to your Remembrance, the very different Conduct which we observed at the Time in which the other Members of the Board possessed the entire Rule of Affairs. Few of their Measures had our Concurrence, and many of them were strongly tinged with personal Animosity. Yet we never refused the official Sanction to them, which your Orders direct, nor opposed the subsidiary Acts which were necessary for their Support, when they had once received the Sanction of the Majority of the Board.

Neither was the Business which has drawn the present Opposition upon us, such as we voluntarily sought, but introduced by the unavoidable Necessity of your Affairs.

Some preparatory Means were undeniably necessary to the Formation of the future Settlement of the Provinces on the Close of the present. If the Council were not unanimous in their Choice of these, it was undeniably necessary that the Choice of that Part in which the constitutional Majority consisted, should prevail, and it is undeniable that the Acts of such Majority are the Acts of Government, and as such binding on the rest, by the express Words of the late regulating Act of Parliament. In refusing to be bound by an Act of Government thus passed, we conceive that General Clavering and Mr. Francis are guilty of a direct Breach of the Act of Parliament. In refusing to sign the Orders agreed on by the Majority, they are guilty of a Breach of your most positive Orders: By this Refusal they have proclaimed to the Servants of the Company, their Disavowal of a Participation in the Orders, and encouraged those to whom they were addressed to disobey them. But the Declaration of General Clavering, that “ he will, to the utmost of his Power, render every Person amenable for every Act done by them in the Management, Ordering, or Government of these Provinces, by virtue of an Order issued by the Governor General, as his own Act, independant of the Council,” is pregnant with the most dangerous Consequences; like the Trumpet of Sedition, it deters the Timid from their Duty, and excites the Disaffected to Rebellion.

It is true, that these Words seem to apply to the Exercise of an Authority of a very extensive Latitude; an Authority which the Governor General totally disclaims. He has no where solicited the exclusive Power of ordering, managing, and governing these Provinces; nor possesses any Delegation



## A P P E N D I X, N<sup>o</sup> 15.

gation of such Powers. The Business of the Office is merely that of Preparation, which certainly is totally distinct from ordering, managing, and governing; and even the Orders, which for the Sake of Dispatch are to be issued from it in the Governor's Name, ~~are~~ only such as shall have received the general Sanction of the Board: But as the General's Protest is expressly made to the Circular Letter written to the Provincial Councils, notifying the Institution of the new Office, it can only be understood to apply to such Orders as are expressed in this Letter, and his Menace which I have quoted, can only be considered as a Denunciation of the severest Effects of his Power and Influence, against all Persons who shall dare to acknowledge a regular Act of Government.

*Unfortunately, the Power which we possess is but accidental, and its Duration uncertain. The declared Expectations of Changes to take place in this Government with the Arrival of the Eagle Packet, favoured perhaps by the Severity of your late Censures on us, and the indulgent Sentiments expressed to our Opponents, tend to scatter Doubts and Distrusts on the Minds of the People, to weaken our Authority, and to justify every Opposition to it.*

*Added to these Disadvantages, your Honourable Court will well remember that the Provincial Councils were constituted of Persons chosen by General Clavering and the Members then forming the Majority of the Council, and our Recommendations, though in some Instances founded on yours, totally rejected. These are the Persons on whose Assistance we must principally depend for the Execution and Success of our Investigations, while they continue to hold their Offices.*

Such are the Difficulties we have to encounter; to surmount these, we possess the Form and Effect of present Power, and the Choice of our Agents, aided as we believe by the general Good-will of your Servants, and by the Confidence of the Natives, arising by the Habits of official Interchange, and Length of Connection. With these Aids we shall not fear to prosecute the Work which we have begun; and though our Labour may be augmented, the Effect will be the same, as it will only stimulate us to a more earnest Exertion of the Powers which we possess, and which we have no Doubt of rendering effectual to your Service; still supporting our Minds with the Hope that this State of Indecision, if not already past, cannot be suffered to exist much longer; if it is, the Consequences may be beyond Retrieval.

Hitherto Mr Barwell has declined taking a direct Part in the Addresses which have been made to you by the other Members of your Council, conceiving it (as he has more than once declared) an Irregularity in any Member of the Board, the President excepted, to assume a separate Correspondence with your Honourable Court; but he has ever considered himself as virtually included in those of the Governor General, as being equally affected by the Subjects to which they related, and equally concerned in the Issue of them.

The Case is now of a different Nature. In a Measure of Government, of the highest Importance to your Interests and to the Welfare of this great Country, Two Members of the Council have in a Manner withdrawn themselves from the collective Body of it, and thus thrown him into a Party with the Governor General, with whom he feels himself involved in all the Consequences of the same Responsibility, by his joint Engagement in the first Formation of the Measure, and by Hostility denounced against it in all its progressive Stages by those whose Duty it was to have joined us in the Support of it.

We are, with the greatest Respect,  
Honourable Sirs,

Fort William,  
the 12th December 1776.

Your most faithful and obedient  
humble Servants,  
(Signed) Warren Hastings,  
Rich<sup>d</sup> Barwell.

Extract of Fort William Revenue Consultations, the 27th December 1776.

The Secretary delivers in the following Copy of Mr. Francis's Letter to the Court of Directors, dated the 20th Instant.

Fort William, 20th December 1776.

To the Honourable the Court of Directors.

Honourable Sirs,

In a Letter, addressed to you by the Governor and Mr. Barwell, under Date the 12th Instant, and communicated to me this Day, considerable Pains have been taken to fix a Charge of Inconsistency on some Declarations made by me, relative to a Measure of great Importance, lately resolved on and undertaken by those Gentlemen. Through whatever Channel this separate Letter may have been conveyed to you, I trust you will not decide either on the Merits of the Measure, or on the Conduct of your Servants, without a View of every Part of our Proceedings which may have Relation to the Subject.

It seems unnecessary to answer the Terms in which the Charge is conveyed, or to disclaim the Motives imputed to me: Facts alone ought to appear before you; or, if accompanied with Arguments, they ought to be expressed with Moderation and Decorum. For the Substance of the Charge my Reply shall be short and in point.

I adhere

## A P P E N D I X, N<sup>o</sup> 15.

I adhere to the Declaration quoted from my Minute of the 5th of November: When Expediency alone is in question, and when no illegal Act is proposed, it is unquestionably *my Duty to assist, even in the Conduct of Arrangements which I may not approve, and to promote their Success when once they are resolved on.*

Whether this Declaration in its true Sense can either be particularly applied to an Act done a Month after it was made, or generally to any illegal Act whatsoever, are the Questions by which the Consistency of my Conduct must be decided. A general Offer of my Assistance was followed by a Resolution which excluded me from the Possibility of giving any Assistance whatsoever in the Formation of the ensuing Settlement; I mean the Institution of a new Office, under the sole Charge of the Governor General. I did not however object to the Measure on the Ground of Illegality. The Act which I deem illegal, and to which I have refused to sign my Name, was not introduced until the 3d of December: The Motion made by the Governor on that Day, was new and unexpected. My former Minutes undoubtedly did not contain *the most remote Hint* of the Illegality of a Measure which was not in Existence at the Time they were written.

In Consequence of the above Motion, an Order has been sent by the Governor and Mr. Barwell, to all the Provincial Councils (excepting Patna) commanding them *to enter on their Public Records, and to employ their Authority in every Instance in which it may be necessary to enforce official Orders issued by the Governor General.* The Reasons which induce me to think this Order illegal, are fully stated on our Proceedings in the Revenue Department: Deeming it to be so, my Refusal to sign it is neither inconsistent with my former Declarations, nor with the Duty of my Station.

Mr. Hastings and Mr. Barwell will not expect that their Authority should weigh with me in a Question of this Nature, against my own clear Conviction; when placing an unlimited Confidence in the Wisdom and Justice of the Tribunal to which I appeal, I am ready to declare, that if it were not indecent to suppose an Illegality in any Order or Instruction of the Court of Directors, I should deem it the strongest, because it would be personally the most hazardous Proof of my Duty to them, not to obey it.

In considering the Order in question, you will distinguish between the Terms in which it is expressed, or the Construction to which they are liable, and any personal Distrust of the Governor General. I look to nothing but to the Extent of the Power they convey; the Use which may be made of it, is uncertain. In all the Records of your Government here, there be an Example of such an exclusive Power assumed by any former President, and by his own Casting Vote, against that of Two Thirds of the Council; it ought, and I take for granted it would have been produced. The Fact would not prove the Right, but at least it would shew that the present Resolution is not totally unprecedented.

I would not be understood to appeal to the Conduct of the Governor and Mr. Barwell on any former Occasion, as an Example to justify my own; yet, since it is asserted that notwithstanding "few of the Measures" pursued by General Clavering, Colonel Monson, and myself, "had their Concurrence, they never refused the official Sanction to them, which your Orders direct, and which were necessary for their Support;" I beg Leave to solicit your Attention to our Proceedings in the Secret Department of the 19th of June 1775, in which you will find a Letter proposed and approved of by the Majority, in Reply to the Chief Justice, and that the Governor and Mr. Barwell disapproving of this Reply, declined affixing their Names to it. On the Day following, a Letter to the Judges, in Behalf of the Nabob's Vackeel, was agreed to by a Majority, but the Governor and Mr. Barwell refused to sign it.

On the Proceedings of the 21st March 1775, in the Revenue Department, you will find the following Letter from the Governor General to the Secretary.

" To Mr. Sumner.

" Sir,

" I shall not sign the Letters proposed to be written to the Board of Trade, to the Chief and Council of Burdwan, and to the Chief of Chittagong, with Yesterday's Date; because I do not acknowledge the Appointments notified in these Letters to be Acts of the Board, or legal; and I desire that you will record my Refusal.

" I am, Sir, &c.

(Signed) " Warren Hastings."

" Fort William,  
" the 18th March 1775."

Yet it was not alledged or pretended in any of these Instances, that the Resolutions of the Majority were in themselves illegal. The Illegality alluded to in the Governor's Letter, relates solely to the Power of the Majority whom he did not then acknowledge to be the Board. But you will not permit so erroneous an Opinion to be pleaded in Justification of any particular Act which may be founded upon it.

\* I have the Honour, to be, &c.

(Signed) P. Francis.

# A P P E N D I X, N° 15.

Extract of Fort William Revenue Consultations, December 27th, 1776.

The Secretary delivers in General Clavering's and Mr. Francis's Minutes, on his presenting the Circular Letter proposed in Consultation of 20th Instant, to be signed.

General Clavering—If an Office had not been instituted under the immediate Charge and Direction of the Governor General to act in it, independantly of the Council; with Powers assigned to it to depute Aumeens for occasional Investigation, to collect Accounts of the past Collections, to take Copies of the present Pottahs and of the Nerricbundy; and to correspond with the Governor General only, and to be under his sole Controul, I should not object to the Letters now presented to me to sign, to the Provincial Councils; but considering these Letters, as authorizing an Establishment which I have, on the most mature Reflection, deemed illegal, I cannot, without a Departure from the Principles on which I have acted, in refusing my Assent to the Institution, now consent to subscribe Letters which, though in Appearance they seem only to convey Information of its Operation, yet in Fact would amount to a Confirmation of the Establishment itself.

(Signed) J. Clavering.

Mr. Francis—I beg Leave to record a Declaration, that, by signing this Letter, I do not mean to relinquish any of the Objections I have already urged against the Expediency of the Measures proposed in it. At the same Time, as the present Letter does not appear to me to convey any exclusive Powers to the Governor General, or to refer to any Orders to be issued in his Name, I think I am warranted in signing it by the Company's Standing Orders.

(Signed) P. Francis.

Extract of Fort William Revenue Consultations, 10th January 1777.

The Governor General delivers in the following Report from Messrs. Anderson, Croftes, and Bogle; and additional Establishment, with List of Accounts required.

To the Honourable Warren Hastings, Esquire, Governor General, &c. &c. &c.

Honourable Sir,

In Addition to the Aumeens already appointed to proceed into different Districts of Bengal, for procuring Accounts of the past Collections, and other Materials of Information, we now submit to you a List of Persons recommended by the Pailhear, as well qualified to be sent upon the like Service into the remaining Districts, accompanied with the Establishment proposed for each.

As the Jumma Wafil Bakee Accounts, transmitted to the Presidency from some of the Divisions, do not distinguish the lesser Mahals, we beg Leave to enclose a Memorandum of Accounts which are wanted from the Provincial Councils of Moorhedabad and Dinagepore, and from the Collector of Bauglepore. These may be transmitted in Persian.

Fort William,  
8th January 1777.

We have the Honour to be, &c.

D<sup>d</sup> Anderson,  
Cha<sup>r</sup> Croftes,  
Geo. Bogle.

ESTABLISHMENT of AUMEENS proposed for sundry Districts, as follows; viz.

## R O K U N P O R E.

Cauntoo Mojundar, Aumeen	—	—	—	—	125
Butram Boose, Carcoon	—	—	—	—	30
8 Mohrers	—	—	—	—	160
1 Jemmeudar	—	—	—	—	5
5 Peons	—	—	—	—	15
1 Dufterbund	—	—	—	—	3
Ink, Paper, &c.	—	—	—	—	12
					350

# A P P E N D I X, N<sup>o</sup> 15.

## L U S H K E R P O R E.

Igaram Chowdry, Aumeen	—	—	—	—	100
Ramhurry Boofe, Carcoon	—	—	—	—	35
Juy Mohun Nundee, Head-Mohrer	—	—	—	—	30
5 Mohrers	—	—	—	—	100
1 Jemautdar	—	—	—	—	5
5 Peons	—	—	—	—	15
1 Dufterbund	—	—	—	—	3
Ink, Paper, &c.	—	—	—	—	10
					<hr/> 298

## P A T C H E A T.

Jankeram Metre, Aumeen	—	—	—	—	75
Radacaunt, Carcoon	—	—	—	—	30
4 Mohrers	—	—	—	—	80
1 Jemmadar	—	—	—	—	5
3 Peons	—	—	—	—	9
1 Dufterbund	—	—	—	—	3
Ink, Paper, &c.	—	—	—	—	8
					<hr/> 210

## R A J E M E H A L.

Ramnaut Dofa, Aumeen	—	—	—	—	100
Anunderam Metre, Carcoon	—	—	—	—	30
1 Head Mohrer	—	—	—	—	21
5 Mohrers	—	—	—	—	100
1 Jemmadar	—	—	—	—	5
5 Peons	—	—	—	—	15
1 Dufterbund	—	—	—	—	3
Ink, Paper, &c.	—	—	—	—	10
					<hr/> 284

## M I D N A P O R E.

Ramjoy Metre, Aumeen	—	—	—	—	100
Sucker Ghoofo, Carcoon	—	—	—	—	40
12 Mohrers	—	—	—	—	215
1 Jemmadar	—	—	—	—	5
5 Peons	—	—	—	—	15
1 Dufterbund	—	—	—	—	3
Ink, Paper, &c.	—	—	—	—	22
					<hr/> 400

## P U R N E A.

Durrupnarain, Sircar Aumeen	—	—	—	—	200
Rallichum Jing, Naib	—	—	—	—	100
1 Head Mohrer	—	—	—	—	40
1 Mohrer	—	—	—	—	30
15 Mohrers	—	—	—	—	300
1 Jemmadar	—	—	—	—	10
10 Peons	—	—	—	—	30
2 Dufterbunds	—	—	—	—	6
Ink, Paper, &c.	—	—	—	—	30
					<hr/> 746

# A P P E N D I X, N° 15.

## D A C C A.

For Dacca, and the contiguous Districts.

Nundoolol, Aumeen	—	—	—	—	1,000
Beshyshur Chacherbutty, Naib	—	—	—	—	100
Kissen Mung, Head Mohrer	—	—	—	—	40
6 Mohrers	—	—	—	—	120
9 Mohrers	—	—	—	—	135
1 Persian Moonshy	—	—	—	—	40
2 Persian Mohrers	—	—	—	—	60
2 Bengal Moonshies	—	—	—	—	40
1 Jemmadar	—	—	—	—	10
10 Peons	—	—	—	—	30
2 Dufterbunds	—	—	—	—	8
Paper, Pens, &c.	—	—	—	—	22
					<hr/> 1,605

For MOHUN SING.

Gopochurn Roy, Naib	—	—	—	—	50
Nund Keshwan, Carcoon	—	—	—	—	30
1 Head Mohrer	—	—	—	—	20
3 Mohrers	—	—	—	—	45
1 Dufterbund	—	—	—	—	3
2 Peons	—	—	—	—	6
Paper, Pens, &c.	—	—	—	—	5
					<hr/> 159

For BELLOOAH, &c.

Radachurn Roy, Naib	—	—	—	—	175
Donja Penauel, Carcoon	—	—	—	—	40
1 Head Mohrer	—	—	—	—	25
5 Mohrers	—	—	—	—	75
1 Dufterbund	—	—	—	—	3
1 Jemmadar	—	—	—	—	5
2 Peons	—	—	—	—	6
Paper, Pens, &c.	—	—	—	—	7
					<hr/> 236
					<hr/> 4,288

## MEMORANDUM of Accounts wanted from Moorshedabad.

1st. The General Jumma Waffel Bakee Accounts of the whole Province, from 1179 to the End of 1182, distinguishing the different Mahals, including Chunacolly, &c. and Messideh, &c. together with the Particulars of the Increases or Decreases on the Jumma of the Committee of Circuit and an Account of the Balances, with an Explanation of the different Articles of Remission; also an Account of the Sayer Mahals which have been joined to the Customs under Mr. Martin, and of the different Annexations within these Five Years.

2d. A List of the former and present Zemindars, Talookdars, Farmers, and Malzamins, for the above Period.

## Wanted from Dinagepore.

1st. The General Jumma Waffel Bakee Account of the Province of Dinagepore, from 1179 to the End of 1182, distinguishing the different Mahals; together with the Particulars of the Increases or Decreases on the Jumma of the Committee of Circuit, and an Account of the Balances, with an Explanation of the different Articles of Remission.

2d. The Jumma Waffel Bakee Accounts of Purnea, and of Rungpoor, &c. and of Silberries, &c. from 1179 to the End of 1182; distinguishing the different Mahals, &c. as above.

3d. A List of the former and present Zemindars, Talookdars, Farmers, and Malzamins, for the above Period.

Wanted

A P P E N D I X, N° 15.

Wanted from Bauglepore.

1st. The General Jumma Waffil Bakee Account of Rajemahal, &c. Bauglepore, &c. Mongheer, &c. from 1179 to the End of 1182, distinguishing the different Mahals; together with the Particulars of the Increases and Decreases on the Jumma of the Committee of Circuit, and an Account of the Balances, with an Explanation of the different Articles of Remission.

2d. An Account of the Kharidge of Jungleterry, specifying the Alienations which have taken place in different Mahals.

3d. A List of the former and present Zemindars, Talookdars, Farmers, and Malzamins, for the above Period.

4th. An Account of the Sayer which has been alienated from the Zilla and annexed to the Customs.

Governor General—I propose the following Resolutions: That the Board do approve the proposed Establishment of Aumeens; and that Letters be written to the Provincial Councils of Moorshedabad, Dinagepore, Dacca, and Burdwan, and the Collector of Boglepore, notifying the Appointment of the Aumeens, with the Names and Stations, as inserted in the above Establishment, in Terms similar to the Circular Letter written upon the like Occasion on the 20th ultimo; and requiring them to send the Accounts applied for by Messrs. Anderson, Croftes, and Bogle.

Mr. Francis—My Objection to the Deputation of Aumeens into the Districts is general: I wave all others.

Mr. Barwell—I agree to the Motion.

Resolved, That the following Letters be written, agreeably to the Governor General's Proposition.

To Mr. Edward Baber, Chief, &c. Provincial Council of Revenue at Moorshedabad.

Gentlemen, \*

On the 3d ultimo you were informed of our having established an Office at the Presidency, to prepare and arrange Materials for the ensuing Settlement. In consequence of that Institution, the following Officers have been appointed to proceed into your Division, to collect from the Zemindars, Farmers, and Etmaunders, and the inferior Officers of the Collections, the Mussul Accounts of the past Collections and Charges, in order to ascertain the real Value of the Lands, as the Groundwork of a just and equal Assessment. They are also instructed to procure exact Information concerning the Nature of the Ryots Pottahs, and the Rates of Land in different Parts of the Country.

Contoo Mojendar, Aumeen at Rokunpore.  
Jyaram Choudry, D° at Lushkerpore.

We direct you to grant them effectual Assistance in the Prosecution of the Business assigned them.

As the Jumma Waffil Bakee Accounts, transmitted from your Division, do not distinguish the lesser Mhals, we enclose you a Persian List of Accounts, which we desire you will immediately forward to us.

We are, &c.

Fort William,  
the 10th January 1777.

The same to Dinagepore.

Durupnarain Sircar, Aumeen at Purnea.

The same to Boglepore.

Raumaut Dols, Aumeen at Rajemahal.

The Two first Paragraphs to Burdwan.

Jankeram Metre, Aumeen at Patcheat.  
Ramjey Metre, D° at Midnapore.

The Two first Paragraphs to Dacca.

Nunduloll, Aumeen for the Division.  
Bethayshur Chackerbuttee, his Naib at Dacca.  
Goopeechn Roy, his Naib at Nurnunling.  
Radachurn Roy, D° at Bellooah, &c.



## A P P E N D I X, N<sup>o</sup> 15.

Extract of Fort William Revenue Consultations, 10th January 1777.

The General delivers in a Letter to the Court of Directors, which he desires may be sent a Number in the Packet now under Dispatch.

Ordered, That it be accordingly sent a Number in the Packet, and that a Copy thereof be here entered.

To the Honourable Court of Directors.

Fort William, 9th January 1777.

Honourable Sirs,

The many Papers which have been written on the Establishment of the Office lately constituted, and now conducting under the immediate Controul of the Governor General, independant of the Council, would have rendered it unnecessary for me to trouble you any more on the Subject of that Institution if the Governor General and Mr. Barwell had not, by a direct Address to you on the 20th of last Month, endeavoured to impress you with the Idea, that because I refused to sign the official Letters to give Effect to that Office which I deemed illegal, and because I declared that I would, as far as lay in my Power, render those who acted under it answerable for the Consequences that might result from it; those Two Gentlemen have given a Flight to their Imagination, and very poetically have told you, that my Declaration "like the Trumpet of Sedition, deters the Timid from their Duty, and excites the Disaffected to Rebellion."

If Sedition and Rebellion were, as they represent, actually stalking forth, or existing in this Government, well might they be justified in suggesting the great Alarm that such Events would naturally occasion to your Honourable Court; but as I am inclined to believe that the Credit which those Gentlemen might formerly have with you, has suffered some Diminution since you have had Opportunities of comparing their former Representations with the State of Facts, I am willing to flatter myself that the India Stock will not be materially affected by this alarming Intelligence, communicated to you with so much Ostentation. In Truth, the Declaration I have made on your Records, that I would hold those Persons answerable for the Consequences of what I deem illegal Proceedings, is the only Foundation they have for attempting to give you this Uneasiness; and how groundless their pretended Apprehensions were, is evinced by the full Replies they now possess from all the Provincial Councils, containing Assurances of implicit Obedience to their Orders.

*In short, nothing can more clearly prove the compleat Independancy of the Governor General's present Power, or the Non-existence of any Cause for Apprehension that he may be interrupted in the prosecuting his present Plan, than the total Ignorance that Government is actually in of his Correspondence with the Provincial Councils and Aumeens: Their Agents, who are already dispersed through the Districts, may assume whatever Power they please uncontrolled: Their Conduct cannot be checked in any Instance by the Provincial Councils, who are the only Delegates of Government in the Districts, seeing that their Instructions have not been communicated to them. Such uncontrolled Power and unlimited Dependence placed upon these Agents, would naturally suggest the Idea, that the Governor General's Confidence in them had been formed by the Experience that he had of their Services and official Probity; yet, if we look for his Opinion as it stands on Record, we shall find him on all Occasions expressing the utmost Contempt of their Character, and the Exercise of their Functions. I will take the Liberty to refer you to some of those Passages to prove the Truth of what I assert.*

Consultation, 5th January 1773: "The Board suspecting Collusion between the Aumeen and Farmers," &c. Letter to Mr. Jacob Rider, Collector of Nuddea, entered in Consultation 22d January 1773; "The Hufstבוד, which has been made of the Talook Lands, has not answered the Intent of the Committee of Circuit, nor is there any Trust to be put in the Accounts delivered in by the Aumeens." Another Letter to Mr. Rider, 26th January 1773; "When we consider the Report you sent us of the Aumeens appointed to enquire into the State of the Lands held by the Talookdars, we are confident no Dependence can be placed on this Mode of Enquiry." Consultation 14th June 1775, the Governor General's Minute; "I confess I do not like the Deputation of Aumeens, because I think they are not to be trusted."

Whether any Inference can be drawn from the Governor General's present Intentions in employing Aumeens, from the Opinion he has constantly entertained of them, I will submit to yourselves, Gentlemen, to determine; but I must be permitted to say, that this bad Opinion would warrant any Conclusion that their present Appointment inculcated for the worst Purposes.

If it were further necessary to shew that the Mode of Enquiry by Aumeens, so particularly condemned by the Governor General on the 26th January 1773, is likewise disapproved by the Provincial Councils; I need quote only a single Instance, which will at the same Time point out that the present avowed Object of ascertaining the Value of the Lands is not prosecuted in the Manner which was deemed so requisite for that End; as the Instructions given to the Aumeens do not contain nor correspond with Circumstances of Investigation which are proposed for this Enquiry. Extract from a Letter from the Provincial Council of Muxadabad, of the 11th May 1775, entered on Consultations 13th June following: "In order to judge properly of the State of a Country and its Condition to pay the Revenues, it is requisite to know the Number of its Inhabitants, the Nature and Produce of the Soil, what Quantity of Land is cultivated or uncultivated, and what Improvements  
ments

## A P P E N D I X, N<sup>o</sup> 15.

"ments the latter is capable of. This Knowledge is only to be obtained from local Investigations & we are fixed to One Spot, and cannot make it ourselves, nor can we depute others to do it who can be relied on."

Upon the whole of this Business, whether I have acted legally or illegally, in refusing to acknowledge the independant Authority assumed by the Governor General, I shall submit to your Judgment.

If my Conduct has been irregular I will stand to the Consequences of it, without attempting to justify myself by their Example, or by denying, as they have done, their not having refused their official Sanction to the Measures of the late Majority, nor opposed the subsidiary Acts which were necessary for their Support. Surely these Gentlemen must have a very indifferent Opinion of your Memory, or are very little solicitous about their own Credit, when they appeal to you for the Truth of Facts which are so contrary to the Evidence on Record.

I cannot conclude without noticing another Fact, perverted in this Letter, because it seems expressly introduced to warrant the effecting of a Design to violate your Instructions, by further Instances in dismissing your Servants from their Seats in the Revenue Councils. It is asserted that the Provincial Councils were constituted of Persons chosen by the late Majority, and the Governor's Recommendation totally rejected. The Truth of this Assertion may be established by a Reference to the List of the Persons recommended by the Governor, by which it will appear, that out of Thirty-four to be named for Seats in those Boards, only Six were omitted; and further, that at present there are only Three in Office of that Nomination not recommended by the Governor himself, viz. Messrs. Goring, Rous, and Shore.

If I avoid further Notice of some other Misrepresentations in this Letter of partial Quotations, it is because I am unwilling to take up more of your Time by Repetition of what is so fully stated in the Minutes at length, which are referred to in it.

I am, &c.  
(Signed) John Clavering.

### Extract of Fort William Revenue Consultations, 17th January 1777.

The Governor General lays before the Board the following Letter from Messrs. Anderson, Croftes, and Bogle.

To the Honourable Warren Hastings, Governor General, &c. &c.

Honourable Sir,

Durru Narrain, the Person whom we recommended as Aumeen of Purnea, being unable to undertake that Business, our Paiscar has recommended Ram Kishen Roy, as a Person well qualified to supply his Place. We therefore request that Ram Kishen Roy may be appointed to that Service in the room of Durru Narrain.

We are, &c.

Fort William,  
the 17th January 1777.

(Signed) D<sup>d</sup> Anderson,  
Cha' Croftes,  
Geo. Bogle.

Agreed, that the Council of Dinagepore be written to as follows:

To Mr. W<sup>m</sup> Harwood, Chief, &c. Provincial Council of Revenue at Dinagepore.

Gentlemen,

This serves to acquaint you that Ram Kishen Roy is appointed Aumeen to Purnea, in the room of Durru Narrain.

We are, &c.

Fort William,  
the 17th January 1777.

### Extract of Fort William Revenue Consultations, 31st January 1777.

Read the following Letter from Messrs. Anderson and Bogle:

To the Honourable Warren Hastings, Governor General, &c. &c. &c.

Honourable Sirs,

The District of Chittagong is composed of near Fifteen hundred Petty Zemindars and Talookdars, who pay their Revenues to Government through the Channel of Sudder Farmers or intermediate Officers.

# A P P E N D I X, N° 15.

Officers. The Accounts of the Rent paid by each particular Zemindar or Talookdar not having been transmitted to the Presidency, we beg Leave to recommend that an Aumeen be appointed, for the Purpose of collecting the Accounts of the Jumma Waffil Baukee of the different Landholders for some Years past, and of the Rents collected by the Farmers from secreted Lands, not included in the Jumma previous to the present Settlement, to enable the Board to fix the Quota of each Possessor. We enclose a List of Persons recommended to be employed on this Service, together with the necessary Establishment.

In order to form a complete State of the different Branches of the Public Revenue, we wish to be furnished with the following Persian Accounts; viz.

- 1st. The Jumma Waffil Baukee of the Districts of Jungleterry.  
The same for Ramghur.
- 2d. The Jumma Waffil Baukee of Ichanguernagur and of Sylhet, from the Years 1174 to 1183.
- 3d. The Jumma Waffil Baukee of Rungpore and of Purnea, from 1174 to 1178.
- 4th. The Jumma Waffil Baukee of Rajemehal, from 1174 to 1178.
- 5th. An Account of the Receipt of the Government's Customs since the Establishment of the new System in the Year 1773.
- 6th. An Account of the Annual Jumma and Receipts of such Gunges as have been put under the Management of the different Custom Masters.
- 7th. The Seghawar Accounts of the Jumma of Ichanguernagur and Sylhet, for 1183.
- 8th. The Seghawar Accounts of the Jumma of Bauglepore and Rajemehal, for 1183.
- 9th. The Seghawar Accounts of the Jumma of Rungpore and Purnea for 1183.
- 10th. The Seghawar Accounts of the Jumma of Midnapore for 1183.

Of all which we enclose Persian Memorandums.

Fort William,  
the 31st January 1777.

We are, &c.  
(Signed) D. Anderson,  
George Bogle.

## ESTABLISHMENT proposed for the Aumeen of Chittagong.

Kishen Duloll, Aumeen, per Month	—	—	—	150
A Carcoon	—	—	—	60
4 Mohrers,	—	at 25 each	—	100
A Merdha	—	—	—	10
10 Peons,	—	at 3 each	—	30
A Dufterbund	—	—	—	4
Paper, Pens, Ink, &c.	—	—	—	21
				<hr/>
				Sicca Rupees 375
				<hr/>

Agreed, That the above Establishment be confirmed; and that the following Letters be written to the Chief of Chittagong:

To Mr. Francis Law, Chief of Chittagong.

Sir,

On the 3d ultimo you were informed of our having established an Office at the Presidency, to prepare and arrange Materials for the ensuing Settlement: In consequence of that Institution, Kishen Duloll has been appointed to proceed into your Districts, to collect from the Zemindars and Talookdars the Accounts of the Jumma Waffil Baukee of the different Landholders for some Years past, and of the Rents collected by the Farmers from secreted Lands, not included in the Jumma previous to the present Settlement, to enable us to fix the Quota of each Possessor. He is also instructed to procure exact Information concerning the Nature of the Ryots Pottahs, and the Rates of Land in different Parts of the Country.

We direct you to grant him effectual Assistance in the Prosecution of the Business assigned him.

We are, &c.

Fort William,  
the 31st January 1777.

Agreed, That the several Accounts mentioned in Messrs. Anderson and Bogle's Letter be written for, as follows:

To

A P P E N D I X, N<sup>o</sup> 15.

To Mr. Alexander Higginson, Chief, &c. Provincial Council at Burdwan.

Gentlemen,  
We desire that you will immediately prepare and transmit to us in the Persian Language, the Seghawar Accounts of the Jumma of Midnapore for the Year 1183.

Fort William,  
the 31st January 1777.

We are, &c.

To Mr. Charles William Boughton Rouse, Chief, &c. Provincial Council of Revenue at Dacca.

Gentlemen,  
We desire that you will immediately prepare and transmit to us the following Persian Accounts, viz. The Jumma Waffil Baukee of Ichanguernagur and of Sylhet, from the Year 1174 to 1183: The Schawar Accounts of the Jumma of Ichanguernagur and Sylhet for 1183.

Fort William,  
the 31st January 1777.

We are, &c.

The same to Dinagepore, inserting the Accounts, N<sup>o</sup> 3 and 9.  
The same to Bauglepore, inserting the Accounts, N<sup>o</sup> 4 and 8.

To Captain James Browne.

Sir,  
We desire that you will immediately prepare, and transmit to us, in the Persian Language, the Jumma Waffil Baukee of the Districts of the Jungleterry.

Fort William,  
the 31st January 1777.

We are, &c.

To Mr. George Cumming, Collector of Ramgur Pallamou.

Sir,  
We desire that you will immediately prepare, and transmit to us, in the Persian Language, the Jumma Waffil Baukee of the Districts under your Superintendance.

Fort William,  
the 31st January 1777.

We are, &c.

Ordered, That the Collector of Government's Customs be called upon for the Accounts required of the Custom-house.

Extract of Fort William Revenue Consultations, 25th February 1777.

Extract of Letter from Mr. George Cumming, Collector of Ramgur, dated 12th February 1777.

In Obedience to the Commands of your honourable Board, signified to me in your Letter of the 31st ultimo, I herewith beg Leave to enclose the Jumma Waffil Baukee (in the Persian Language) of the Districts of Ramgur, Nagpore, Palamou, and Kendy, for the present Year, or Bengal Year 1183.

Governor General—I request that the Board will be pleased to give Orders, that the Payment of the Salaries allowed to the Aumeens, and of the Office superintending them, be issued from the Khalsa Treasury, according to the several Establishments.

Mr. Francis—I wish the Secretary to make out an Account of the Expence of the whole Establishment of the new Office, and of the Aumeens. The Salaries must of course be paid.

Mr. Barwell—I agree.

General Clavering—I agree.

Ordered, That the Secretary do direct the Payment of the Salaries accordingly.

Extract of Fort William Revenue Consultations, the 11th March 1777.

General Clavering—Understanding that Complaints are making every Day, of the Conduct of the Aumeens in many of the Districts into which they have been sent, I beg Leave to propose, that the Chief, or Acting Chief, should be ordered to enter on the Proceedings of his Council every such Complaint as shall be made to him, and transmit them to this Board.

Governor General—I fear the Consequences of recording every Complaint that shall be made to the Chief of the Provincial Councils; because, if it is publicly known that such is the Rule, their Consultations will be crowded with them. It will be impossible for them to enquire into every Complaint that is made to them; and they will of course stand as a Black List of Crimes laid to the Charge of the Aumeens; which, in these Times of popular Prejudice, and the Precipitation with which Reports to the Prejudice of Men's Characters are received at Home, will be all admitted as Truth, because unrefuted. I know very well, that a thousand Artifices have been used to throw an Odium on the Aumeens; and though the greatest Caution has been observed in the Choice of the Men, all of whom are by Education, by Profession and Practice, of approved Qualifications, yet it is impossible to guard so extensive a System against some Abuses, against Neglects or Misconduct; nor can I suppose that the Aumeens are exempt from the Failings incident to Mankind in general; yet I am persuaded, that few Instances, and none of any Enormity, will ever appear against them. I shall not object to the Motion; but I shall reserve to myself the Right of proposing, that the Order should be rescinded if it shall appear hereafter to be productive of a Stoppage of Business. In the mean Time, I consent to its passing.

Mr. Francis—The Prejudice against Aumeens is undoubtedly very great and general; and it appears to be no where so strongly established as in the Minds of those Persons who ought naturally to be best acquainted with them: I agree therefore with the Governor General, in thinking that Reports to their Disadvantage may perhaps be too easily credited. Supposing any Degree of Danger, however, of their suffering in their Personal Characters by vexatious Charges, I do not think it comparable to the Consequences which may follow to the Country in general, if the Provincial Councils and this Board were not entirely open to receive every Complaint that might be brought against them. The Chiefs of the Councils should not have a Power of distinguishing what Complaints they will receive, and which they will reject: They should receive none but what are authenticated, and such as the Complainants are ready to make good; under this Condition they should reject none. If any Complaints of particular Enormity should be preferred, we ourselves shall have an Opportunity of marking them from the rest, and sifting them to the Bottom. This I take to be as necessary for the Safety and Credit of the Aumeens, as for the Protection of the People; I therefore agree to the Motion.

Governor General—I would beg Leave to ask, and hope that my Question may be taken as a Part of the Proposition, Whether it is meant that the Aumeens shall be compelled to appear personally, and answer to all such Complaints as shall be regularly preferred against them?

General Clavering—By the Instructions given to the Aumeens, and the Orders that have been sent to the Revenue Councils, it does not appear that the former are subjected to any Controul whatever. They may commit whatever Enormity they please, and the Government, as it was composed by the Act of Parliament, cannot be informed of any of the Facts which have attended those Enormities. It is said, and I believe it may be proved, that several of the Farmers, or their Servants, have been confined, tied up, and flogged, by the present Aumeens, in order to compel them to give up their Accounts.

Nundololl, who is sent as Aumeen into the District of Dacca, is furnished with a Guard of 50 Sepoys; but by whose Order they were given him, I have not been able to ascertain. In the mean Time many Complaints of this Man's Conduct have reached my Ears; and as it is probable that one Day or another Prosecutions in the King's Court may be commenced against him, and the others, for their Violences, I thought it right that some Memorandum might be recorded of the Complaints which the Farmers shall make to the Chiefs of the Provincial Councils, in order that it may not be urged against them, that they never represented their Grievances. I believe that it may be true, that the present Aumeens have received a regular Education in this Branch of Business; for I understand that more than one of them was employed by Cossim Ally Cawn, during his tyrannical Government. I will leave it to the Governor General to determine on the Propriety of the Aumeens appearing personally before the Provincial Councils, to answer to any Complaints that may be made against their Conduct, or their sending some Person, properly authorized by them, for that Purpose, if he thinks that their appearing personally will be any Interruption to the Business on which they are sent.

Governor General—I must beg Leave to observe, that the Provincial Courts of Justice are already open to Complaints against the Aumeens, as against all other Persons, and it is to them that they are properly cognizable; to the Dewanny Courts if they are guilty of any Civil Offences, to the Foudzarry if they are Criminal, and to them they may answer by their Vackeels. How far these Courts may be disposed to favour or to pre-judge the Aumeens, I cannot say; but I have been informed of some Attempts which have been made to dispoise the Foudzarry Court of Dacca against the Aumeen of that District. The Particulars have been so indistinctly related to me, that I will not repeat

## A P P E N D I X, N<sup>o</sup> 15.

repeat them; but desire that the acting Chief of Dacca be called upon to declare the Complaints which have been already preferred to him against that Aumeen, with such Circumstances relating to him as have come to his Knowledge.

I wait for the final Sentiments of the other Members of the Board, before I shall deliver mine upon the Question as it now stands.

Mr. Francis—The Object of the General's Motion seems to be to prevent the Complaints from being suppressed, or not to leave it to the Chiefs of the Councils to receive or reject Petitions at their Discretion. It does not propose any Mode of investigating such Complaints. I think myself, that calling the Aumeens before the Councils, upon Occasion of every Complaint that may be made, might be used as a Plea for neglecting the Business on which they are deputed. The Investigation, when necessary, should be made upon the Spot.

Mr. Barwell—There are proper Courts of Justice for redressing the Grievances of the Subject; to these the Aggrieved should apply. The Method that is proposed by General Clavering, appears, in my Opinion, not so much calculated for doing Justice between the Parties complaining and complained against, as to bring before the Board whatever Aspersions the Zemindars and Farmers of the Revenue may think proper to cast upon the Aumeens. They have an obvious Interest in calumniating an Officer of Government, whose declared Duty it is to investigate the Value of the Lands; and I make no Doubt they will use every Means in their Power to intimidate these Officers into a Compliance with their Views, or totally to remove them, if they find them not so compliant as they would wish. When the Aumeens were appointed, I understood them to be independant of the Provincial Councils, as far as related to the particular Investigation they were ordered to make of the Revenue. Could the General's Motion now be complied with, it will in fact render them immediately amenable to the Councils, and in fact, under an Influence that may counteract the Purposes of their Mission. I am against the General's Motion, because I think it unnecessary, while there are Courts of Justice to hear any Complaints that may be made against the Aumeens; and because, if it was admitted, it would, in my Opinion, render the Aumeens the Servants of the Provincial Councils, and defeat the End of their Appointment.

Governor General—I still assent to the Question in the Terms of it, but move this Addition to the Orders which may be sent upon the Subject, That the Provincial Councils be forbidden to take Cognizance of the Complaints themselves, referring them to the established Courts of Judicature.

Mr. Francis—The Aumeens are our Officers; if Complaints are made against them for Abuses in the Execution of their Office, they ought to be investigated by us, or by the Boards immediately subordinate to us: The Punishment which should follow Conviction is, properly, Dismissal from the Office, which it is not in the Power of the Dewannee Courts to inflict; I am therefore against this Addition to the Motion.

Mr. Barwell—I agree to the Addition proposed by the Governor General.

General Clavering—I agree to the Proposition, that the Provincial Councils should not take Cognizance of the Complaints, because I am convinced that under the present Influence in which those Councils are, they would not act with Spirit or Vigour to redress those that may be made against the Aumeens: In fact, what Satisfaction can be made to a Farmer, or Zemindar, who has been tied up and flogged for not giving his Accounts? It will be sufficient if the Chief records the Complaint, as proposed by my first Motion, and transmits it to this Board.

Mr. Barwell—The General is pleased to ask the following Question, What Satisfaction can be made to a Farmer, or Zemindar, who has been tied up and flogged for not giving his Accounts; a Question thus introduced appears to affirm a Fact, while it supposes the Case: I therefore should be glad to be informed by the General if he knows of such a Fact.

General Clavering—The Case I have supposed certainly does imply that such Facts have happened, and it is to ascertain the Truth of them that I proposed that all Complaints should be registered; but the Inhabitants of this Country, after the Examples that have been made of Rajah Nundcomar, and Coja Kaworke, who has Ten Actions now in the Court carrying on against him, most of them by the People, who the Dacca Council informed us in their Letter of 7th December 1774, entered in Consultations 10th January 1775, were confined by Order of the proper Power appointed at that Place, and not by the Authority of the Armenian, will rather chuse to be flogged Fifty Times than run the Risk of being hanged, or ruined by a Multitude of Suits commenced against him in the Supreme Court.

Mr. Barwell—I had flattered myself with receiving the Information I asked for. I am sorry I have as much to seek, to know what was the General's Design in introducing his Question, as if he had declined an Answer to my Question; for my Part, I know of no Instances of any of the Farmers, Zemindars, or their Agents, having been as yet punished with Stripes; but as I suppose the Farmers of the Revenue compellable to deliver their Accounts, the Means which are authorized by the Customs of the Country, will, I apprehend, be pursued, when any of the Zemindars or Farmers have the Hardiness to disobey any Orders that may be issued for delivering their Accounts, and by such Means attempting to preclude Government from a Knowledge of the Revenue of the Country.

Mr. Francis—The last Words of Mr. Barwell's Minute, I confess, surprize and shock me more than any Thing that has ever yet passed since I have been in Bengal; and I cannot sit at this Table with Peace of Mind, until they receive an Explanation, which I must beg of the Governor General to give. They seem to me to imply, that the Aumeens are vested with a Power of administering Corporal Punishment to the Zemindars, Farmers, and all other Natives whatsoever concerned in the Revenues, according



according to their Discretion. I beg Leave to ask the Governor General, Whether he understands the Power to be vested in the Aumeens? From the Influence which they avowedly possess by the Power they have of making Reports for or against every Man from whom they are to demand Accounts, I forelaw Abuses enough, of Corruption on one Side, and Deception on the other; but I did not conceive that the Lives of the People, as well as their Property, were to be left at the Mercy of these Men.

Mr. Barwell—The Manner in which Mr. Francis is pleased to descant on my saying, that the Government must have the Means to enforce its own Orders, insinuates something so enormous in the Position, that I really thought I had committed some very great Mistake in delivering my Sentiments; and under such Circumstances, I should have been glad to have corrected any Error of Opinion, I was no less surprized than amazed, upon looking back to what I had asserted, that the great Enormity expatiated upon by Mr. Francis, consists simply in my affirming that the Government in delegating a particular Trust must delegate with it the Means of Execution, or else the Means can never prove equal to the End. I have no where said that the Aumeens are authorized to punish with Stripes the Zemindars, &c. Officers of the Revenue: All I have affirmed is, that I know of no Instances to authorize the General's Question, but that I suppose the Farmers of the Revenue compellable to deliver their Accounts by the Means which are authorized by the Customs of the Country. I see nothing shocking to Humanity in any Thing that I have advanced, or that subjects me to the Obloquy of having conceived a Thought so repugnant to my own Nature. If by the Customs of the Country, a Member of the Community is liable to Corporal Punishment for opposing an Ordinance of Government, I say, if it be so, the Assertion of the Fact will be no Impeachment of the Goodness of my Intention in affirming it.

Mr. Francis—The only Matter before the Board relates to the inflicting of Corporal Punishment by the Authority of the Aumeens; I submit to Judgment, whether Mr. Barwell's Opinion, as it stands expressed, does not suppose them vested with such a Power. I adhere to my Question, and beg Leave to submit it to the Governor General.

Governor General—The Aumeens have received no Authority or Warrant for any Part of their Conduct, but such Orders in Writing as have been drawn up by the Superintendants of the Aumeens Office, and have received my Signature; none of these invest them with the Power to inflict Corporal Punishment, nor have I ever yet heard, except from General Clavering, that they have assumed such a Power. It is not impossible but they may suppose themselves possessed of the same Authority as the Mogul Government formerly was used to delegate to Men entrusted with the same Office. It was not usual for that Government to commit difficult Duties to its Ministers, and to withhold from them the Means of discharging them. The Farmers are compellable by their Engagements to deliver to Government an exact Account of their Collections: All the Cutcherry Accounts, both Sudder and Motuffil, are the Property of Government, and the Attempt to suppress or withhold these from the Officers of Government, regularly appointed to demand them, is in my Opinion a high Crime against Government, and therefore liable to severe Punishment; but I do not wish to leave this Punishment to the Discretion of the Aumeens. If this Principle is not just in itself, or if it is not warranted by the immemorial Usage of the Country, I shall expect to hear it disproved.

Mr. Francis—As nothing is at present in question, but the Extent of the Power of the Aumeens, I am satisfied with the Governor's Explanation on that particular Point, and am happy to find that their Power does not reach so far as Mr. Barwell seemed to apprehend. As for the other Points touched upon in the Governor's Minute, I need not agitate them at present; contenting myself simply with saying, that I join issue with the Governor General, and that I do deny that such Powers as are now in question, and described in his Minute, were ever delegated by the Mogul Government to Aumeens, or any other Officers whatsoever, at any Period preceding the Subadary of Jaffier Cawn, or about the Year 1720. The History of Bengal since the Death of Suja Cawn, does not furnish any Example of a regular Government, such as I believe the original Mogul Government to have been.

Governor General—Mr. Francis may with great Safety send me back to the Times which preceded the Government of Jaffier Cawn, for the Evidence of the Practice which I described. I shall not waste my Time in the fruitless Search; but I will with Confidence affirm, that no Period of the Mogul Government in Bengal, that the History of no State in India ever produced a Character more exemplary for Method, Accuracy for Justice and Integrity, than that of Chain Roy, who held the Office of Roy Royan during the Administration of the Nabob Aliverdy Cawn Mohibut Jung. I understand from the Roy Royan now present, that Roy Munnohurdols, one of the present Officers of the Khalsa, held an Office under the Authority of Chain Roy, and will most probably be able to give Testimony to this Point. I know not the Man even by Sight; nor is it probable that he will be able to tell the Tendency of the Question if it is put to him. I desire that the Secretary will, so soon as the Council is closed, call upon the Man (I now, in the Presence of the Board, desire the Roy Royan to send for him for that Purpose) for a Definition of the Powers both of Sezawulls and Aumeens, both with respect to their immediate Duties, and the Means which they had of executing them. With respect to the Authority of Sezawulls, the Name of Rammaul Badry is so very notorious for the Severities exercised by him on the Zemindars, and other Persons entrusted with the Charge of the Revenue during the Administration of Jaffier Aliverdy Cawn, that I trust the Court of Directors will not want Evidence even in their own Body, that the Powers of Punishment were possessed, were exercised by these Delegates of Government, before the  
Commencement

Commencement of the Government exercised by the Company. I am sorry I have been led to bear a Part in a Discussion so totally foreign to the Point in question, since I have already declared, that the Aumeens are not in Possession of any Power to punish, and that I do not mean to propose that they shall be allowed it. Mr. Francis best knows whether his Opinion goes to the Denial of any Right of Government to punish such Persons as shall withhold the Accounts of the Revenue entrusted to their Charge.

Mr. Francis—As I have not affirmed that Violences, such as are now in question, may not have been exercised from the Time of the Usurpation of a greedy Cawn to the present Day, the Answer to be received from Munnohurdots, can bear no Relation to any thing I have said on the Subject of the Mogul Government.

General Clavering—Mr. Barwell having supposed that the Infimation I threw out, of Persons having been flogged by the Aumeens, was not well established, because I avoided producing the Authority for the Reasons which I assigned, I will now beg Leave to introduce to the Board the Person who gave me the Information; and desire that the Board will interrogate him on the Subject; and desire, that if on the one Hand his Information should prove true, the Board will take proper Steps to punish the Aumeen; and on the other, if the Information proves false, that my Informant may be punished as he deserves. I desire that the Vackeel or Rajeshahy may be called in.

Governor General—I agree that the Rajeshahy Vackeel be called in, to present his Complaint, and to deliver it in Writing; but I object to this Board entering into any judicial Enquiry.

Questions. I propose that the following Questions be asked the Vackeel.

1st. Whether he has been informed by his Principal, the Ranny, or Kajah Rankishin, that any of the Officers of the Zemindarry of Rajeshahy have been corporally punished with Stripes by the Order of the Aumeen? And,

2d. Whether he knows the Name of the Person or Persons so punished, and to mention their Names and Offices?

3d. Whether he can produce such Person or Persons at this Board?

Ordered, That the Secretary require his Answer to these Questions in Writing.

Governor General—I beg Leave to propose, that Ram Ram Chowdry, who is present, and likewise an ancient Officer in the Khalla, may be questioned to the same Points with Munnohurdots.

Ordered, That he be questioned accordingly.

Governor General—I gave the Effort of Sepoys to Nunduloll. If the Board should be of Opinion that I have exceeded the Constitutional Authority vested in me by the Company, I am willing to recall them; but if not, I have acted regularly. The Effort to Nunduloll was rendered necessary on account of his being obliged to travel through the interior Parts of the Country, where it is dangerous to remain without such a Guard.

Mr. Francis—Since I find that the Governor General has, by his sole Authority, and without the Knowledge of the Board, sent a Party of 50 Sepoys with one of the Aumeens into the District of Dacca, I must in my own Vindication against any Consequences that may ensue from this Measure, declare, that in my Opinion the Governor General has exceeded the Powers vested in him, and that the Measure itself is liable to many Objections. I am not a Party to it, and protest against it.

General Clavering—The Information I received of this Detachment was given me by the Returns; and having supposed that it might be done by the Commanding Officer on his own Authority, I wrote to him about Four Days ago to acquaint me by whose Orders this Detachment had been sent. As I do not know of any Instance of a Military Force being sent into the Districts since the new Government took place but by the Authority of the Board, I entirely agree with Mr. Francis in protesting against the Measure, as an Assumption of Power in the Governor General, in my Opinion totally illegal.

Agreed, That the following Letter be written to the several Provincial Councils and Collectors:

To the Provincial Councils.

( Circular. )

We desire your Chief will receive and enter on your Proceedings all Petitions of Complaint which may be presented against the Aumeens, and that you will transmit them to us.

You are not to take Cognizance of the Complaints yourselves, but to refer them to the established Courts of Judicature.

We are, &c.

Fort William, 11th March 1777.

## A P P E N D I X, N° 15.

Extract of Fort William Revenue Consultations, 14th March 1777.

The Secretary lays before the Board the following Report :

I have the Honour to lay before the Board the following Answers received from the Mohrirs, whom the Board directed me to call upon last Council Day, for Information regarding the Power vested in Sezawuls and Aumeens: In Explanation of which I beg Leave to acquaint the Board, that on my finding the written Answer Nunnohur Dofs had given us in N° 1. did not contain what he told me on my first putting the Questions to him, I sent for him and Ramram Bose on Wednesday Morning, and asked them why they had not answered the Question put to them the Day before? Nunnohur Dofs answered, that he would give them to me. I told him it was by the Board's Order that I had put the Questions to him, and that it was necessary he should answer; upon which both Nunnohur Dofs and Ramram Bose wrote and gave me the further Answers, marked N° 2, 3.

Finding, when these were translated, that Nunnohur Dofs had not given an Answer as to the Aumeens, but only regarding the Sezawuls, I mentioned this Circumstance to the Governor General when I waited on him on Thursday Morning, and that the Answers were not so full as they had verbally given them to me. The Governor's Answer was, The Questions were not answered, or Words to that Effect; upon which I sent for Nunnohur Dofs, and told him he must answer the same Questions with respect to the Aumeens as he had done regarding the Sezawuls; which he did, as contained in N° 4.

I beg Leave also to lay before the Board the Paper from which the Questions were put to both Nunnohur Dofs and Ramram Bose, N° 5.

(Signed) P. Francis.

Sworn before me, the 15th March 1777,  
(Signed) by R<sup>d</sup> Sumner.

N. B. This Affidavit was made for the Reasons assigned in the Secretary's Letter annexed to these Proceedings.

### N° 1. Answer of Monohur Dofs.

During the Time of Mohaubut Jung and of the former Nazims, the Zemindars either paid their Revenue directly to Government themselves, or through Mutaheds or Mhalzamins, and for this Reason there were not Aumeens sent into the different Districts, excepting in case of the Revenue falling in Arrears. The Aumeens sent upon these Occasions, collected such Accounts as they had Orders to do from the Country, and transmitted them to Government through the Mutfuddies of the Khalsa. In case of any Zemindar neglecting or evading to deliver his Accounts, the Aumeen reported his Conduct to Government, and acted with respect to him, according to such Orders as he received in Answer.

### Answer of Ram Ram Chowderry.

In the Time of Mohaubut Jung and former Nazims, the Zemindars either paid their Revenue directly themselves, or through Mutaheds and Mhalzamins; it was not therefore customary to send Aumeens into the Country: But when Aumeens were sent, their Duty was to collect exact Accounts. If any Zemindar neglected giving in his Accounts according to the Orders of Government, the Aumeen represented the Matter to the Ruler, and obeyed such Orders as he afterwards received with respect to exacting such Persons Accounts from him.

### N° 2. Answer of Ram Ram Chowderry with respect to Aumeens.

During the Time of Mohaubut Jung, and other Nazims, and down to the Death of Jaffier Ally Khawn, it was not the Practice to send Aumeens into the Country, in order to make a Huftabood, because then the Zemindars either paid their Revenue directly themselves, or through Mhalzamins and Mutaheds. However, after the Marattas had ravaged any of the Rarah Districts (Districts lying to the Westward of the Ganges) a Sazahawul used to be appointed to the Aumeny of them; this Person had full Authority to collect the Huftabood Papers, and these he brought up to the Sudder, and then made a Settlement.

### Answer with respect to Sazahawuls.

In the Time of Mohaubut Jung and former Nazims, it was usual to send Sazahawuls into such Mahals as had fallen into Decline, because their Commission was low, being only 2 per Cent. These went into the Country, and by encouraging the Ryots, brought them to cultivate their Lands. They

## A P P E N D I X, N° 15.

They made such an Allowance to the Zemindar for his Maintenance as they thought sufficient; and as was approved of by Government; and acted in whatever Manner they thought was most beneficial for the State. They scrutinized into the Papers for some Years back, and then made a Report of the Particulars of the Decline of the Muhal to Government. When their Authority was opposed, they had a Right to confine and inflict corporal Punishment.

### N° 3. Answer of Monohur Dofs with respect to Sazahawuls.

It was the Sazahawul's Business to collect the Dues of Government, agreeable to the Sudder Kistbundee. He entered into a Kistbundee at the Sudder, and then went into the Country. If the Zemindar agreed to the same Settlement he had entered into, he took a Torahbundee from him on the like Terms, and left him in Possession of the Country; but if he failed in paying agreeable to these Terms, the Sazahawul made a Hustabood, and took Charge of the Collections himself.

The Sazahawul, in case of being impeded in this Business by the Knavery or Neglect of the Zemindars, used to inflict Punishment and to beat.

### N° 4. Answer of Monohur Dofs with respect to Aumeens.

In the Time of Mohaubut Jung, and former Nazims, it was not customary, as the Zemindars either paid their Revenue upon their own Credit, or through Mhalzamins and Mutaheds, to send Aumeens into every Muhal. Aumeens were however sent into such Districts as had fallen into Arrears, in order to restore the Revenue. If the Zemindars attended on these Aumeens in a proper Manner, and delivered them the requisite Accounts agreeable to Custom, it was well; but if they made use of any Knavery, or evaded delivering these Accounts, the Aumeens, in order to execute the Business of Government with which they were entrusted, inflicted Corporal Punishment of every Kind, and reported the Circumstances of the Case to the Ruler.

### N° 5. Questions first put to Munnohir Dofs and Ram Ram Bose.

What Authority was vested in Aumeens in the Time of the Nabob Aliverdy Cawn, or in preceding Times, and what was their immediate Duty?

What in Sezawuls?

What Means had they of enforcing that Authority?

Did they inflict Corporal Punishment?

Mr. Francis—It was the Order of the Board that the Questions should be put to the Mohrirs of the Khalsa in Writing, and that their Answers should be received in Writing. The Secretary was not authorized to hold any Conversation, or to put any Questions verbally to either of these Persons. The first Answer he received was strictly in point, but it absolutely denies any Power being vested in the Aumeens to inflict Corporal Punishment. This Answer it appears was not thought satisfactory, and another Answer was required. The Power denied in the First Answer is admitted in the Second. I shall make no Comment on this Transaction, because I think the Facts speak very plainly for themselves.

General Clavering—I think the Conduct of the Secretary in this Transaction totally inexcusable. Not finding the Answers turn out according to the Expectations of the Governor General, he carried to him, without any Orders of the Board, the Two Answers of Munnohir Dofs, and received his Orders to question him again on the Subject. In Reward for this Service the Governor General has, I suppose, made the Proposition this Day for the Augmentation of his Salary.

Governor General—The Secretary has in my Opinion acted regularly and according to the Orders of the Board. He received no Orders from me, at least I remember none that I gave him; when the Mohrirs eluded to give Answers to the Question put to them, it was the Duty of the Secretary to call upon them for their Answer, and to repeat the Demand till it was complied with, and completely.

The Insinuations with which the General has been pleased to conclude his Minute, I consider only as the Effect of the intemperate Spirit which I have experienced from General Clavering, in almost every Meeting of the Board in every Department. I shall therefore let it pass without a Reply.

General Clavering—If the many intemperate Proceedings that have been entered by the Governor General against Mr. Barwell, against Mr. Francis, and myself, in this and the other Department, in which he has taken Liberties with us all Three at different Times, were to be collected and compared with any Thing that I have written of him, it would be found that, considering the Provocation that he affords from the Violences with which he is carrying on this Government, and the Abuses which he is sanctifying by the Support he gives them, I have never trespassed so often as he has on the Respect which is due to the Station he fills, as he has done to me and others.

Mr. Barwell—As an Altercation has arisen on the Answers received from the Mohrirs to the Questions

# A P P E N D I X, N<sup>o</sup> 15.

Questions proposed by the Secretary, and Motives are insinuated highly prejudicial to his Integrity on the taking of these Answers, as well as to an undue Influence used by the Governor General to obtain them, I move that the Secretary be called upon to recollect himself, and make a solemn Declaration, on Oath, to the verbal Answer delivered to him on the Questions, when he first put them to Monohir Dofs and Ram Ram Bose; as it is the only Means that, under the present Circumstances, is in my Opinion offered to him for vindicating him from the Charge of having acted under an improper Influence.

Mr. Francis—I object to putting the Secretary, or any Man over whom I have any Degree of Authority, to a Test which may perhaps compel him to accuse himself. I believe it to be illegal, I am sure it is unjust. The Secretary is at Liberty to state any Matter he thinks proper in his own Defence, and if he pleases he may do it on Oath, but this must be his own voluntary Act. I will never join in requiring him to do it, nor shall I think myself at Liberty, considering myself as a Judge of his Conduct, to draw any Conclusion to his Disadvantage from his declining to do it.

Mr. Barwell—I entirely acquiesce in Mr. Francis's Objections, and wave the Motion.

The Secretary—I beg the Board will do me the Favour to call Nunnohir Dofs before them immediately, who is attending, and take his Answer on Oath to the following Question: Whether on my asking him on Tuesday Evening, if the Aumeens did or did not inflict Corporal Punishment, which is the Fourth Question in the Paper I gave in this Morning, he did or did not declare that they used to punish and flog?

Governor General—I think it improper to commit the Credit of an Officer of such Importance as the Secretary of the Revenue Department, in a Contention respecting a Fact depending on their Veracity, with an inferior Bengal Officer of the Khalsa.

Mr. Francis—I am against it also, but for different Reasons.

Mr. Barwell—No Question being before me, and the Governor General thinking it improper to put one on the Secretary's Request, I acquiesce in his Reasons for declining to put the Question.

General Clavering—Seeing the Dependence which all the Officers of the Government have on the present Majority, who take all Occasions to hold out to the Natives what the Consequences must be of opposing their arbitrary Will, I think it is surprizing, that either one or the other of these poor Mohirrs should have had the Resolution to have delivered the unprejudiced Answer which it appears Mannohir Dofs gave in Writing, when he was questioned. I understand, when he was applied to the Second Time for another Answer, the Man at first refused it, and said, What can I do? I have given my Answer already. If Mr. Sumner had thought that these Answers had not been direct to the Questions which he had put to him, it was his Business to have taken the Opinion of the Board, and not to have run to the Governor General with them. The Governor General may illegally assume, as he has done in regard to the Office of the Aumeens, the whole Power vested by Parliament in the Council at large; but as long as I continue a Member in this Council, I will never tamely submit to acknowledge any Right in him, more than in any other Member of the Board, to decide upon the Resolutions of the Council.

Governor General—I desire the Secretary will bring me the Proceedings, and I will minute any Reply I may think necessary.

Mr. Francis—The principal Questions to the Mohirrs were, "What Means the Aumeens had of enforcing their Authority; whether they inflicted Corporal Punishments?" The first Answer, N<sup>o</sup> 1, is as follows: "In case of any Zemindar's neglecting or evading to deliver his Accounts, the Aumeen reported his Conduct to Government, and acted with respect to him according to such Orders as he received in Answer."

The Court of Directors will judge whether this Answer was or was not in point and compleat, and for what Purpose it could be necessary to demand any other Answer from them. It was given in Writing, and they were bound by it. I will make no further Observation on a Transaction, on which I conceive it is impossible for any Two unprejudiced Men to differ in Opinion.

Governor General—I desire that this Day's Proceedings, and those of the 11th, on the Subjects considered this Day, may be sent a Number in the Packet.

The Board having been pleased to assent to the Secretary's Letter of the 15th, on the foregoing Subject, being annexed to this Day's Proceedings, it is entered as follows, with the subsequent Minutes.

Honourable Sir, and Sirs,

I beg Leave to circulate, for your Perusal, the enclosed Affidavits, and request the Favour of you to allow them to be recorded on the Proceedings of Yesterday.

I should be happy if the Board would examine Munnohier Dofs and Ramram Bos, on Oath, before them, in full Justification of what I have asserted, as Mr. Justice Hyde and General Clavering, to whom I applied last Night to, decline it.

I have the Honour to remain, with Respect,

Honourable Sir, and Sirs,  
Your most obedient humble Servant,  
R<sup>d</sup> Sumner.

Fort William,  
the 15th March 1777.

# A P P E N D I X, N° 15.

Calcutta, 14th March 1777.

Some of the Members of the Honourable Board having deemed my Conduct reprehensible, in the Mode of applying to Munonhier Dofs and Ramram Bose, for the Information which they directed me to obtain from them, regarding the Power formerly exercised by Sezawuls and Aumeens, I beg Leave to record my Affidavit, that the Report I made this Day to them is in every Respect, to the best of my Recollection, a true State of my Conduct on this Occasion; and that on my first verbal Application to Monnohir Dofs, on Tuesday in the Afternoon, in the Presence of Ramram Bose, whether Aumeens had formerly exercised the Power of inflicting Corporal Punishment? he answered, that they used to punish and flog Persons who refused Obedience to their Applications to them.

I beg Leave further to declare, that I thought I could not, consistently with my Duty and the Trust reposed in me by the Honourable Board on this Occasion, admit of their declining to assert in Writing the Purport of what they had declared to me verbally; that I was entirely guided by this Sense of Duty by the Second Application I made on Wednesday to them; and that I was actuated by this Sense, and the Governor's observing that the Questions were not answered, when I made the Application to Monnohir Dofs on Thursday for an Answer to that Part of the Questions which he had not replied to.

I hope Mr. Francis will allow me to observe, that it did not appear to me I was restricted by the Board's Orders from calling on them in any other Manner than in Writing, but that I was directed to obtain the Information; and for my own Justification thought it most advisable to take their Answers in Writing; and that I did not doubt but they had given their written Answers on Tuesday to the Purport which they mentioned to me, or I should not have omitted to have repeated my Application to them, had I seen the Answers before they left my House, which was whilst I was lain down, and they left them on my Table.

(Signed) R<sup>d</sup> Sumner.

Sworn before me

this 15th March 1777.

(Signed) P. Francis.

15th March.

Governor General—I agree that Mr. Sumner's Letter of this Date, with the Two Affidavits, be recorded: I do not agree to the Examination of Monohier Dofs or Ramram Bose, for the Reasons which I have already given at the Time in which the Secretary made a similar Request to the Board at the last Council.

(Signed) Warren Hastings,  
John Clavering,  
Richard Barwell,  
P. Francis.

21st March received the following Minutes:

Mr. Barwell—I make no Doubt that on the Face of the Proceedings, the Charge of improper Conduct brought against Mr. Sumner, will appear to every unbiassed Reader to be groundless, and that he will stand as much acquitted in the Opinion of others, as he is in mine, of an Imputation so injurious to his Character. The Secretary was particularly directed to ask, Whether the Aumeens inflicted Corporal Punishment? To this Question he solemnly declares, That Monohier Dofs replied, that they used to punish and flog Persons who refused Obedience to their Applications to them. Upon his receiving this Answer, it appears from the Secretary's solemn Declaration, that, fatigued with the Business of the Day, he retired to rest without minuting his Reply, desiring Monnohir Dofs to commit what he said to him to Writing. That upon his receiving the Translation of the Answer, and finding that so essential a Part of the Answer that had been given, had been omitted, and upon the Observation of the Governor General, that the Question was not answered, he had conceived it incumbent on him to send for Monnohir Dofs, and repeat the Question: What could have been the Man's Motive for eluding in Writing the Fact he had mentioned by Word of Mouth, is only known to himself: It is evident from what passed subsequently, that he wished to decline committing to Paper what he had spoken; and that when he did commit it to Paper, it was with Reluctance. This shews in a very strong Light that he was under the Influence of some Motives, little consistent with the Ingenuity and Candour he ought to have observed in delivering an Account of the Facts within his Knowledge. His being pressed to declare what to his Knowledge was the Usage of the Country, touching the Power of the Aumeens in former Governments, alters in no Respect the Fullness of his last Reply to the Question, or brings the Truth of it into question: He would, if it had been in his Power, have declared in the Negative to the Question: This is plain, from his Attempts to elude a Reply, and when he found he was not able to do it, attesting the Fact. I shall pass no Observations on the Reflections the General has thrown out, as I make no Doubt they will strike every Reader upon the first View of the Subject; and that the Secretary will in consequence stand fully vindicated in their Opinions.

SEL. COM. REP. VI.

Y y

Governor



## A P P E N D I X, N<sup>o</sup> 15.

Governor General—Left the Imputation which General Clavering has endeavoured to cast, both on Mr. Sumner and myself, in the following Words of one of his Minutes, entered in Consultation of the 14th Instant, viz. "In Reward for his Service the Governor General has, I suppose, made the "Proposition this Day for the Augmentation of his Salary," should injure the Credit of that Gentleman in the Minds of his honourable Employers, I think it necessary to declare that it is more than a Month, and I believe I might with Truth assume a much more distant Period, since I gave Mr. Sumner an absolute Promise that I would either propose to the Board to raise his Salary to an Equality with that of the Secretary of the General Department, or that I would assent to the Request, if made by himself in Form to the Board for the same Purpose. This Assurance I gave him equally from a Conviction of the Necessity of affording that general Encouragement to an Office of such Trust and Importance, and of the Justice which was particularly due to his acknowledged Assiduity and Abilities in the Conduct of it. The Court of Directors (if an Affair so little important to their Interests should ever attract their Notice) will judge whether it was probable that Mr. Sumner, in the precise Time in which he was preparing a Solicitation to the Board, effectual Success of which depended on its receiving their unanimous Concurrence, should have departed from that unbiassed Attention to his Duty, which he had ever before bestowed on it, and draw on himself the Resentment of Two Members of the Council by an Act adverse to them, of no Kind of Utility to me, and in itself dishonourable.

(Signed) Warren Hastings.

General Clavering—I can neither admit nor deny the Governor General's Affirmation, that he had given Mr. Sumner an absolute Promise a Month ago, that he would propose to the Board an Increase of his Salary. The Fact, however, is, that the Proposition was never produced till Mr. Sumner's Activity had obtained the desired Answer from Monnohir Dofs: The Causes of Favour and Disfavour in this Government are assignable only to one Principle independent of the Merit of the Persons.

(Signed) J. Clavering.

Governor General—The greatest Part of this Morning being now elapsed, and this being probably the last Time in which the Board will meet before the Close of the last Dispatches of the Season, I therefore desire to record the following Minutes and Propositions, that the Resolutions of the Board may be taken upon them, and be sent Home in the Proceeding of this Department by the present Dispatch.

The Governor General lays before the Board the following Letter and Enclosures from Ramram Bose, the Aumeen of Bettoreah, translated by the Interpreter to this Department.

Translation of a Perwannah, written by the Chief and Council of Moorshedabad, to Ramram Bose, Aumeen of Bettoreah.

The Arzee which you wrote came to Hand, and has been understood.

Intelligence has just been brought, that Maha Ranny Bowanny has represented to the Governor and Council, through her Vackeel, that you, upon your Arrival in the Country, summoned the Tahsildars, Currumcharies, Pautwaries, and other Officers of the Mofussil, in order to receive their Accounts, and now detain them about you: That, further, Aninderam Paisheer leaguering with Praun Bose, her confirmed Opponent, demands Jumma Kereche Accounts, which are not specified in your Instructions, and has disgraced the Amadeny Neeweefs, and other Officers of the Mofussil, by beating them: That the Collections are by this Means impeded, and that she will be unable to answer her Engagement, if her Officers who have the Charge of the Revenues are thus treated.

The Ranny having concluded with praying, that some Measures may be taken to prevent the like Impediments being thrown in the Way of the Collections in future, you are now written to, to send a List of the different Papers which you demand, as also a List of the Names of the Currumcharies and other Officers, said to be detained by you, and another of the Amadeny Neeweefs Officers and others, said to have been beaten by Aninderam: You will also report, whether any Evasions have been used by the Mofussil Officers, in delivering you the Papers specified in your Instructions.

Translation of a Letter from Ramram Ram Bose, in Answer to the Perwannah written him by the Chief and Council of Moorshedabad.

After the usual Beginning:

Upon my Arrival at the Sudder Cutcherry of Bettoreah, I first, agreeable to my Instructions, demanded the Sudder Hustabood and Jumma Wafel Baky Accounts, with their Subsidiary Papers, from

## A P P E N D I X, N<sup>o</sup> 15.

from the Zemindarry Officers; and I have already transmitted a List of the Papers which were delivered to me in consequence. I was next, by my Instructions, to apply to the Sudder Farmers. In these Districts there are no Farmers for the Pergunnahs; but the Collections, both of the Sudder and the Mofussil are carried on by the Zemindar; and I therefore required the Zemindarry Officers to make the Aumeeny Mohrirs of the several Pergunnahs attend me; however, to this Day, they have evasively only produced the Officers of 49 Mahals out of 68 (which is the whole Number including petty Mahals.)

Inclosed is a Copy of the List of Papers which I gave to such Mohrirs as have yet attended me. They have not yet given in many Papers which are necessary to check the Sudder Huftabood and Jumma Wafel Bakee, with their Subsidiary Accounts. Some say they will deliver them as soon as they can get them from the Country; but they have broke several Promises which they made to deliver them within a certain Time. Others alledge that there are none. Such are the Evasions of these People, and thus Delay is occasioned in checking the Accounts of the Sudder Officers.

I have never yet required the Attendance of the Tahfieldars, Currumcharries, Pautwarries, &c. from the Officers of the Zemindarry; nor have any of them attended at my Call. Aninderam Buckshy has neither demanded the Jummakoreche Accounts, nor ever summoned any of the Amadeny Nuwels Officers. I constantly attend myself at the Cutcherry, and do not neglect the Business, and leave it to a Paisicar. In order to check the Jumma Wafel Baky Accounts delivered by the Sudder Officers, Aninderam demanded the Seah Accounts of the Shoomar Neweels; and upon his making some Delays in delivering them, he reproved him; but how should he have thought of beating him?

The Huftabood and Jumma Waffel Baky cannot be satisfactorily ascertained without their Subsidiary Papers. It is necessary to use Rigour to make the Zemindar's Office produce the Mofussil Officers, and furnish the Papers; but, agreeable to my Instructions, I have never yet sent a Peon into the Mofussil.

The Zemindarry Officers procrastinate from Day to Day, although a Month and Ten Days are now elapsed since I arrived; all the Aumeeny Mohrirs have not attended me, nor have the Subsidiary Papers been delivered to me. It will be necessary afterwards to have the Kutkinadars of the Petty Farmers, and the Yatmaumdars of the Zubte and Muscoory Mahals, to attend me, in order to check the Sudder and Pergunnah Accounts; but when shall I be able to accomplish that? I have never yet required more than One Mohrur for each Pergunnah, which would never cause any Obstruction to the Collections.

### A LIST of Papers required from the Mohrirs of the different Pergunnahs.

#### Papers belonging to the Huftabood.

Yaikjare Huftabood, for Five Years back.  
Barije Yaikjarie, for D<sup>o</sup>.  
Huftabood of each particular Mozah, D<sup>o</sup>.  
Doulbundabut, for Six Years back.  
Nairuk Malguzary, for Five Years back.  
The Sunnuds (under the Seal of the Zemindar)  
of Lands formerly let to Farmers, but now  
Kafs.  
Daihabundy Mozajat Charges Collections.

#### Papers belonging to the Jumma Waffel Baky.

Jumma Waffel Baky for each Mozah, for D<sup>o</sup>.  
Milany Tahood, for Six Years back.  
Amount of Increase, and Decrease for Five Years  
back.  
Doulbundabusts and Cabooleat of the Farmers,  
for D<sup>o</sup>.  
List of Servants, with an Account of the Pension  
received or Land held by each.  
An Account of the Bazee Zameen.

Governor General—I move that the following Letter be written to the Chief and Council of Moorshedabad:

Complaint having been made by Ramram Bose, the Aumeen of Bettoreah, that many of the Zemindarry Officers refuse to deliver to him the Accounts of the Collections under their Charge, and in other Respects oppose him in the Execution of his Commission; we hereby positively direct, that on any Complaint being made to you, either from him, or any other Aumeens who have been deputed into the Division, you do immediately take the most effectual Means to support and enforce their Authority, by carrying such Papers of the Collections as they shall require, conformably to their Instructions, to be put into their Possession; by compelling the Attendance of such Revenue Mohrirs as may be required by the Aumeens to explain them; and by arresting and punishing those who shall dare openly to oppose or disobey the Orders of Government in these Instances.

Mr. Barwell—I agree.

(Signed) R. Barwell.

Extract

Extract of Mr. Francis's Opinion on the several Propositions of the Governor General.

I object to the proposed Letter to the Council of Moorshedabad, since, under Colour of the following Words, *by arresting and punishing those who shall dare openly to oppose or disobey the Orders of Government in these Instances*, the Council of Moorshedabad, or their Officers, may inflict Corporal Punishment *ad libitum*, by flogging, and other Modes of Torture. I do not myself possess, nor wish to possess, the Power of inflicting Corporal Punishment upon any Man at my own Discretion; of course I cannot delegate such a Power to another. As long as the Ranny of Radjeshy pays her stipulated Revenue to Government, we can have no Right or Pretence to interfere in the internal Management of the Zemindarry; nor of course to arrest, imprison, or punish her Officers and Servants for refusing to deliver up the Papers belonging to her Family and Estate. Besides that under Colour of demanding Papers, and a supposed Refusal to deliver them, I know not what Acts of Tyranny may not be exercised by a Set of the lowest Men, suddenly vested with arbitrary Power over the Persons and Property of a timid, helpless People. That they will tax the Country for their own Use, is one of the smallest Evils to be apprehended from the Establishment of the present Inquisition. When the Lash is once raised, when Tortures may be threatened and put in Practice at the Discretion of an Aumeen, what Consideration is to limit him to the Gratification of One Passion only? And whither shall the wretched Victim of his Cruelty fly for Protection, when every Thing he does is done in the Name and by the Authority of a Government, under which the whole Country trembles?

Great Pains have been taken to prove, that the Powers in question belonged to the Office of Aumeen under the Mogul Government. The Time spent in maintaining this Proposition would have been idly employed, if it was not meant to prepare Precedents for Practice. I neither admit the Existence of such Precedents, nor will I in any Shape be a Party to the Practice supposed to be warranted by them.

39

Extract of General Clavering's Opinion on the several Propositions of the Governor General.

Proposition the Fourth.

A Letter to the Council of Moorshedabad, to punish the Officers of the Zemindarry of Radishaw, on the Complaint of the Aumeen and his Dependants.

This Letter, partly dictated by Mr. Hastings, and partly written with his own Hand, exhibits in so lively a View the State of Civil Society in Bengal, and particularly the Condition of the great Zemindars, that I most humbly intreat the Court of Directors to give it a few Moments of their Attention. They will judge whether the Supreme Court of Judicature, which Mr. Hastings has said was a Blessing to this Country, has had yet that Effect; or whether, in any Country where any Kind of Laws are existing, Men, and particularly the Officers of a great Zemindarry, may be taken up on the Complaint of a low Man (stiling himself an Aumeen, or the Delegate of an Aumeen) confined and flogged for not obeying Orders, of which he is entirely ignorant.

The Court of Directors know that the Instructions to the Aumeens were not even communicated to the Provincial Councils by Government; and, unless private Orders have been given to them by the Governor General in his new Office, by virtue of the Power which he has assumed of so doing, they too must be ignorant whether the Orders of Government are disobeyed or not, but must flog every one at the Discretion of the Aumeen.

The Court of Directors, I hope, will forgive me if I refuse fixing my Signature to this Letter. I will not authorize, with my Name, the Commission of the Enormities which it may produce; moreover, I consider it as owing its Existence to the same vindictive Spirit which is let loose on the Ranny of Burdwan, Mr. Goring, Mr. Roswell, Mr. Wordsworth, and Mr. Fowke. I apprehend, whilst the Zemindars and Farmers pay their Rents punctually, Government has no Right to interpose its Authority in the Management of their private Affairs, or their Zemindars. I consider therefore every Interposition of the Authority of Government with them, further than to compel them to pay their Rents, or for Purposes of Police, as so many Acts of Oppression and Tyranny; against the Exercise of which the late Act of Parliament was intended as a Relief; why it has not had this Effect, I most ardently hope the Legislature will investigate.

(Signed) J. Clavering.

## A P P E N D I X, N<sup>o</sup> 15.

To Mr. Edward Baber, Chief, &c. Provincial Council of Revenue at Moorshedabad.

Gentlemen,

Complaint having been made by Ram Ram Bose, the Aumeen of Bettoreah, that many of the Zemindary Officers refuse to deliver to him the Accounts of the Collections under their Charge, and in other Respects oppose him in the Execution of his Commission, we hereby positively direct, that on any Complaint being made to you, either from him or from any of the other Aumeens who have been deputed into your Division, you do immediately take the most effectual Means to support and enforce their Authority, by causing such Papers of the Collections as they shall require, conformably to their Instructions, to be put into their Possession, by compelling the Attendance of such Mohirers as may be required by the Aumeens to explain them, and by arresting and punishing those who shall dare openly to oppose or disobey the Orders of Government in these Instances.

We are, &c.

Fort William,  
the 14th March 1777.

General Clavering—I have signed a Letter, of the Date of the 14th Instant, directed to Mr. Alexander Higginson, Chief and Provincial Council of Revenue at Burdwan, acquainting them that we have removed Mr. John Roswell, in Conformity to the Orders of the Court of Directors; but as he has not been summoned before the Council, nor any Copy of his Charge given to him, I protest against the Proceedings of the Board, and the Letter written in consequence of it.

I have signed, in Conformity to the Orders of the Court of Directors, a Letter, dated the 14th Instant, to the Calcutta Committee, acquainting them that we have vacated Mr. Goring's Seat at that Board. As I consider the Resolution on which this is grounded totally irregular, and contrary to the Orders of the Company, I protest against all the Consequences it may have.

I have signed the Letter, dated the 14th Instant, to the Council of Burdwan, authorizing that Council to place Bahadore Sing in the Consummation Department of the Rajah of Burdwan, in Conformity to the Orders of the Court of Directors; but declare I disavow any Right in the Governor General and Council to make this Appointment, and hold myself not responsible for the Consequences, for the Reasons I have given.

I have refused to sign the Letter to the Chief and Council of Moorshedabad \*. My Reasons for this Refusal are stated at large: I do not hold myself responsible for the Consequences.

(Signed) J. Clavering.

Mr. Francis—I have refused to sign \* this Letter.

Extract of the Governor General's Minute, in Answer to General Clavering.

4th. Whether the Measure of deputing Aumeens to investigate the Revenues of Bengal, was expedient or proper in itself, is a Point which the Court of Directors will determine. It cannot be disputed that it was a formal and constitutional Act of Government; and it is therefore the Duty of Government to support and give it its due Effect. The General might surely have spared the harsh Censure which he has passed on the Supreme Court of Judicature, for its supposed Forbearance or Inefficacy to check an Evil of such Enormity, if he had recollected the Power which has been given to the Aumeens, and which was no more than to demand the Papers containing the Accounts of the Public Revenue, which are the allowed Property of Government; and to require the Attendance of those who were in Charge of them, and who by the Laws of the Land, and the universal Sense of the People, will be adjudged to deserve a much severer Punishment than the British Government has yet inflicted on Offences of this Kind, for a Disobedience of its Commands, or an open Opposition to its Authority.

These Observations on the General's Minute having been drawn to a greater Length than I either intended or suspected, I shall forbear to make any particular Comment on that of Mr. Francis, to which I believe the same Arguments will serve equally for a Reply.

Extract of General Clavering's Reply to the Governor General's Minute.

4th. Till the Court of Directors have determined that the Aumeeny Office established under the sole Authority of Mr. Hastings, independant of the other Members of the Board, is a constitutional Act of Government, I shall not think it my Duty to support it.

I have repeatedly said, that the Members of the Government are totally ignorant of the Instructions given to the Aumeens. Their Correspondence with the Governor General has never been communicated to the Board. Besides, is it probable that they would dare commit the Outrages they have done, were they not authorized? Mr. Hastings himself mentioned a Fact at the Board, of a Man being brought dead, and laid at the Aumeen's Feet, in the Dacca District. He ought to know whether it be true that this Man had been punished, as it is reported, only a few Days before. In short, it is incumbent on him to lay a true State of the Affair before the Council. The Papers the Aumeens require do not belong to Government, they are the private Accounts between the upper and under Farmers, in which I conceive Government has no Property, particularly when they pay their Rents. I could not have imagined, that the humble Entreaty I made to the Court of Directors, to read Mr. Hastings's Letter to the Council of Moorshedabad with Attention, in order to inform their Judgments concerning the State of Civil Liberty in Bengal, and particularly to observe from those Orders how far the Establishment of the Court of Judicature has answered the Expectations of the Public in that respect, would have been deemed a severe Censure on the Court. But should Mr. Hastings's Conclusion be warranted by any legal Authority, then indeed a Prosecution for a Libel, or a Contempt of the Court, would fully complete the Picture of the State of Civil Liberty in Bengal.

(Signed) J Clavering.

Extract of Mr. Francis's Minute, in Reply to the Governor General.

3. "It cannot be disputed, that the Measure of deputing Aumeens was a formal and constitutional Act of Government."

When the Truth of this Position has not only been disputed, but formally and repeatedly denied, by Two Members of the Government, and when this very Point has divided the Opinions of the Council for some Months past, I know not in what Terms to answer an Assertion, that *it cannot be disputed*.

4th. "That the Papers to be demanded by the Aumeens are the *allowed* Property of Government."

The Governor is at Liberty to prove the Affirmative, if he can; but he has no Right to say, that the Point in dispute is allowed. The Accounts in question are *not* the Property of Government, nor can they possibly be obtained but by the Exercise of Powers, which (as the Governor General observes in \* another Place) "the Mogul Government was formerly used to delegate to Men entrusted with the same Office;" and which, he says, it is not impossible the present Aumeens may suppose themselves possessed of; that is, of administering Corporal Punishment *ad libitum*. The Supreme Court of Judicature, I trust, will interpose between the Natives of this Country and the Exercise of such arbitrary Powers over them: It is not a Censure of any Act, or Omission of the Judges, but the Assertion of a Fact too notorious to be denied, that the Natives of Bengal have not only neither Liberty nor Property left, but that they have not even the Care and Protection which the most arbitrary Government, for its own Sake, ought to impart to its Slaves.

As this is the last Opportunity we shall have of addressing the Court of Directors for many Months, I beg Leave to remind the Board, that the Resolution of the 27th of September in the Revenue Department in which the Accounts of Cantoo Baboo's Farms were ordered to be made out on a Motion from the Governor, has not been carried into Execution; and that the Thirty Lacks of Rupees which were ordered on the 4th of November, have not been deposited in the new Fort.

(Signed) P. Francis.

Mr. Farrar's Opinion on the Legality of the new Office for obtaining Materials to serve as the Grounds of a new Settlement

The Office in question, I collect from the Governor General's Minute proposing it, is established for the avowed Purpose of obtaining accurate States of the real Value of the Lands, as the Grounds whereon to form a new Settlement of the Territorial Acquisitions and Revenues of these Provinces; and from

\* Revenue Dept Consultation, 14th March 1777.

from the same Source, and the Resolution consequent thereon, I further collect, that it is to be put under the Conduct of One or Two Covenanted Servants of the Company's, assisted by a Dewan, and other Officers, either selected from the Officers of the Khalsa, or occasionally chosen for special Commissions: That for the Sake of Dispatch, all Orders issued from this Office, for the Execution of such particular Services as shall have received the general Sanction of the Board, are to be issued in the Name of the Governor General, and the Controul of such Office committed to his immediate Charge.

Such is the avowed Purpose of the Office in question, and such the Mode of conducting the same; and from what is avowed, I am for the present to consider, how far the Measure is, or is not, legal; as, should the Limits at present prescribed be hereafter exceeded, that would be an Abuse of the Authority, not a Proof of the Illegality of the Authority itself.

The Power thus given to the Governor General is divisible into Two Parts, each separate and distinct from the other: And accordingly, I shall consider it,

1st. How far it is legal for him to issue, or cause to be issued in his own Name, Orders to the Servants of the Company, or others, for their Government in the Company's Affairs, though such Orders have previously received the Sanction of the Board.

2d. How far the Controul of any Office or Body of the Company's Servants can be legally committed to his immediate Charge.

As to the First Part: It applies only to such Orders as shall have previously received the general Sanction of the Board; in respect to such, therefore, it is necessary to consider, what is requisite by the present Form of this Constitution, for the making them effectual. By a Standing Order of the Court of Directors, which, not being incompatible with the late Act of Parliament (13th of His Majesty, chap. 63.) I hold still to be in Force, all Letters and Orders consequent upon any Consultation of the Board, are expressly required to be signed by every Member present at such Consultation, even though he should have dissented therefrom; and by the said Act of Parliament, the Governor General and Council are required to pay due Obedience to all such Orders as they shall receive from Time to Time from the Court of Directors. Thus the Language of the Act of Parliament is positive; that of the Court of Directors general and explicit: There is no Opening for Discretion; and therefore, Arguments founded on Expediency (how easily soever retuted) do not apply, nor merit Consideration here, though ever so specious: For the Board, therefore, to make a Resolution, that all or any of their Orders shall be issued either from the Office in question, or any other, in the Name of the Governor General only, or any One Member of Administration, and not signed by the Members of the Board, or expressive of their Authority, is not only so far as the Case in question goes, directly contrary to the Standing Order before mentioned, and therefore in my Opinion an illegal Assumption of Power, but has moreover a direct Tendency, as I conceive, to an Usurpation of independent Authority: For, if the Board can, by their own Act, annul any One Order of the Court of Directors, they may, upon the same Principle, annul every one: The Servant may not only destroy the Power of the Master, but by his own Act, arbitrarily vest that Power in himself. On such a Doctrine it would be vain to comment.

I am therefore of Opinion, for these Reasons, that every Member of Administration concurring in the Resolution in question, acts illegally and at their own Peril; and that such of the Company's Servants as pay Obedience to Orders issued in the Manner proposed, do so likewise.

As to the Second Part: It invests the Governor General with the immediate Controul of the Office in question; that is, in all such Matters as he shall not deem it expedient to bring before the Board, for it is clear to Demonstration, by his proposing in his Minute, and carrying it by his own Casting Vote accordingly, that all Orders issued from this Office for the Execution of such particular Services as shall have received the Sanction of the Board, shall be written in his Name, that he does not mean that all Services indiscriminately shall be previously brought before, and receive the Sanction of, the Board: If not all, therefore, it can only be such as the Governor General, who has the immediate Controul, shall think proper to lay before them.

By Way of elucidating my Opinion on this Part of the Measure under Consideration, I must premise, that I lay it down as a First Principle, that the Governor General and Council can neither extend or contract their own Powers, such as they constitutionally possess, collectively as well as individually; such they cannot in any Degree do away by their own Act: The Powers vested in the Governor General by Law, they cannot increase; the Powers vested in like Manner in each Member, they cannot diminish; and so *vice versa*: To ascertain and define these Powers, Recourse must be had to the Act of Parliament above mentioned. It first, in general Terms, vests the whole Government of these Provinces in the Governor General and Council, and then directs, that in all Cases whatever wherein any Difference of Opinion shall arise upon any Question proposed in any Consultation, they shall be bound and concluded by the Opinion and Decision of the Majority of those present; which plainly implies, I conceive, that all the Measures of this Government shall be dependent upon, and decided by, the Governor General and Council, in Person, or by those subordinated to them, to whom they shall have previously delegated any Part of their Power, and who shall be immediately dependant upon, and amenable to their Authority—So far the Act of Parliament. As to the Measure in question, I hesitate not to declare, that in my Opinion, it militates the true



Spirit of the Act of Parliament; and that, so far as it does, it is (independent of every other Consideration) clearly illegal. I here beg Leave to take a more comprehensive View of it, and its necessary Consequences: It establishes a temporary Office under the Company, and to the Discharge of all the Duties thereof, appoints Covenanted Servants of the Company: This new Office, from the general Idea given of the Business to be committed to its Charge, must necessarily be of the utmost Importance to the Company's Affairs: Its Operations are avowedly to serve as the Basis of the new Settlement; that is, of the Plan to be adopted for the future Management and Government of the whole Territorial Acquisitions and Revenues of these Provinces: Of the Office thus composed, and for these Purposes, the *Controul* is committed to the immediate Charge of the Governor General; that is, is put under the immediate Government, Power, Authority, or Restraint of the Governor General, (for the Word *Controul*, as here introduced, can bear no other Acceptation) and the Governor General is no ways amenable to the Board for his Conduct; and yet, notwithstanding, it is contended that all this no ways interferes or clashes with the Government of this Presidency, or the Ordering, Management, and Government, of the Territorial Acquisitions and Revenues thereof: Of those who thus contend, I would ask, whether the Persons who furnish the Materials, and build the Foundation of any Work or Plan, or those who only determine on the particular Mode in which such Materials shall be applied, and the Superstructure or Plan on such Data finished, bear the more important Part? or at least (which is all that is necessary to my Purpose) whether the former bear no Share at all in the Plan when accomplished? It surely cannot be answered in the Negative. To apply my Proposition then to the Subject under Consideration, the grand and primary Object is, the Formation of a new Settlement. A Number of People, partly composed of the Company's Covenanted Servants, partly of Servants pro hac Vice, under the immediate Controul of the Governor General, are to furnish the Data, and lay the Basis; and the Governor General and Council are afterwards, from such Materials, to fix on the Mode only in which the Object may be best accomplished. And thus, through the Medium of an independent Authority, Acts of the most essential Nature in the Management and Government of the Territorial Acquisitions and Revenues, may be done; and from such Acts, whether mediately or immediately done by any Member of Administration, or others, independent of the general Controul, I think the same Consequences result: And as the Act of Parliament (as before shewn) vests the general Government in a Majority of the Governor General and Council; and the Resolution of the Board now under Consideration (if it may be so called where the Member with the Casting Vote, sits, votes, and by the Casting Voice alone inclines the Balance, in his own Favour) vests a particular Part of it in the Governor General separately; I think the Board by such Resolution diminish their own constitutional Powers, by encreasing those of the Governor General's; and that in so doing they dispose of what they have no Right to give or to receive from any Authority, save the Legislative. To conclude; if under the Act of Parliament the Governor General did not possess the Power in question, nothing can be clearer in my Opinion, than that the Board could not confer it upon him; and it is plain that he did not, by his asking it of the Board.

I am therefore of Opinion, for the Reasons above contained, that the Power in question is wholly illegal. In any other Light, save as to its Legality or Illegality, it is not my Province to view the Measure.

(Signed) Tho<sup>r</sup> Farrar,

Calcutta,  
the 7th of December 1776.

Extract of General Clavering's Address to the Court of Directors, dated 10th May 1777.

The unbridled Sway with which the Aumeens have acted in the Districts, having been the Subject of much Controversy in the Council, and the Governor General in his Minute of 4th April, having sent you the Defence of the Aumeen in Radishai, I beg Leave to transmit for your Information the Deposition of Gungador Roy, a Writer in that District, in Contradiction to that Defence. If the Fact be true as he has stated it in his Affidavit, I trust, Gentlemen, you will think with me that the Interest of Humanity, as well as the Prosperity of this Country, is concerned in making him a public Example: With this View I carried him to Mr. Justice Lemaitre, where he underwent a most scrupulous Examination; and do propose to support him in a Civil Suit for Damages against the Aumeen, in order that the Fact may be fairly examined and tried.

I beg Leave likewise to transmit the Petition of a Zemindar against another of the Aumeens, who has been removed upon it, but no Punishment assigned him.

In the Supreme Court of Judicature at Fort William in Bengal.

Between { Gungador Roy, — — Plaintiff,  
and  
Shatabose and Loll Mahomed, Defendants.

Gungador Roy, of Ragonot Poor in the Province of Bengal, Inhabitant, maketh Oath and faith, That he was, on or about the Month of Cottick, Bengal Æra One thousand One hundred and Eighty-two,

# A P P E N D I X, N<sup>o</sup> 15.

Eighty-two, answering to the Month of October One thousand Seven hundred and Seventy five, appointed Mahory to Byrob Mozundar, who was Aumeen to Rajah Ramkissen, who was then the Izardar of the District of Dinapore; and that he, this Deponent, acted in that Capacity for Sixteen Months. And this Deponent further saith, That on or about the Twenty-seventh Day of Maug, Bengal Aera One thousand One hundred and Eighty-three, answering on or about the Sixth Day of February One thousand Seven hundred and Seventy seven, this Deponent was ordered by Rajah Ramkissen to carry the Papers of the Huftabood, which was in his this Deponent's Custody, to the said Shatabose, who was holding his Cutcherry at Batnagore; and as the said Ramkissen informed this Deponent, was appointed by Government as Aumeen to settle the Huftabood for the ensuing Year. And this Deponent further saith, That when he arrived at Batnagore, the said Shatabose demanded of this Deponent all the Papers of the Huftabood of Dinapore for Five Years preceding, to wit, from the Bengal Year One thousand One hundred and Seventy-eight to One thousand One hundred and Eighty-one; to which this Deponent answered, That he had only the Papers belonging to the Farm of Dinapore for the Year One thousand One hundred and Eighty-two; that Nurling Baboo, Cantoo Baboo's Brother, was the Farmer of Dinapore for the Bengal Years One thousand One hundred and Seventy-eight to One thousand One hundred and Eighty-one, his Servants therefore ought to be applied to for the Papers of those Years; that he, this Deponent, had them not; but that he, this Deponent, would deliver the Papers he possessed for the Bengal Year One thousand One hundred and Eighty-two, which was all he could deliver, he having only served the Office of Mahory for that Time. And this Deponent further saith, That the said Shatabose directed him, this Deponent, to give in Writing who was the Farmer of Dinapore for the Time he, this Deponent, could not give the Papers: This Deponent again informed the said Shatabose, That Nurling Baboo was the Farmer from the Year One thousand One hundred and Seventy-eight to One thousand One hundred and Eighty-one. And this Deponent further saith, That he was on or about the Twelfth of Faugon sent for to attend the said Shatabose, who insisted upon this Deponent's producing the Papers belonging to the said Farm of Dinapore for Five Years preceding this Deponent holding the Office of Mahory to the aforesaid Byrob Mozundar: And this Deponent again informed the said Shatabose, That it was utterly impossible for him to produce Papers that never were in his Possession. And this Deponent further saith, That the said Shatabose, on the Thirteenth of the said Month of Faugon, ordered his Jemindar Loll Mahomed to tie his, this Deponent's Hands, and beat him till he produced the Papers of Dinapore Farm for the Five preceding Years; which Order was accordingly put in Execution by the said Loll Mahomed, who also beat his Face. And this Deponent further saith, That the said Shatabose gave Orders to the said Loll Mahomed to bring Rattans; and gave Directions for Two Peons to beat him, this Deponent, severely with them; he accordingly received about One hundred Strokes with the Rattans on the Back, as nearly as the Pain would permit this Deponent to judge. And this Deponent further saith, That he was beat in this Manner till he fell down through the Violence of the Pain he had undergone: And further saith, That he was then suspended by the Orders of the said Shatabose by the Feet, from the Top of a Bungalow near the Cutcherry; and that in this Situation he received Twenty-five Strokes on the Bottom of his Feet, as nearly as his Situation, and the Violence of the Pain he this Deponent endured, enabled him to judge. And this Deponent further saith, That the said Shatabose then ordered him, this Deponent, to be taken down, and sent to Rajah Ramkissen with his Hands tied before him; which was accordingly done by Two Peons. And this Deponent further saith, That the said Shatabose is generally reported to act under the Orders of the East India Company; and verily believes that he exercised the above Cruelties over this Deponent as Aumeen, sent by the said Company to settle the Huftabood of the District of Dinapore aforesaid. And this Deponent further saith, That he saw the said Shatabose hold a Cutcherry at Batnagore aforesaid, receive Papers belonging to the different Farms in the District of Dinapore, punish Natives, and declare himself an Aumeen, come there to settle the Huftabood of the District aforesaid on the Part of the Company: This Deponent therefore verily believes him subject to the Jurisdiction of this Honourable Court; and that the said Loll Mahomed is a Servant of the said Shatabose, and, as this Deponent verily believes, employed in the Business of settling the Huftabood of the said District, and believes him also subject to the Jurisdiction of this Honourable Court.

Sworn this 7th of April 1777, }  
before me, }  
S. C. Lemaitre. }

(Signed)  
Gungador Roy,  
in Bengal Language.

Upon reading the above Affidavit, verifying to my Satisfaction a Case of enormous personal Wrong, requiring such Security, I do hereby order that a Capias do issue against the abovenamed Shatabose, and Loll Mahomed, authorizing the Sheriff to take Bail in the Sum of Current Rupees Three Thousand.

(Signed)  
S. C. Lemaitre.

A true Copy.  
(Signed) R<sup>d</sup> Litchfield,  
Prothonotary.

## A P P E N D I X, N<sup>o</sup> 15.

From Rajah Gour Naut, Zemindar of the Nine Anna Division of Gora Gaur.

Ram Churnd Roy, Aumeen, having arrived at the Cutcherry of Gora Gaur, repaired to the House provided for his Reception; and I sent my Buxy, Bowanny Persaud, to him, with a Present of Fruit and other Things, as is customary. The Aumeen immediately ordered an Earthen Pot to be tied to the Neck of the Buxy; had him led in that Situation through the Bazar, and beat in a most unmerciful and cruel Manner. Agreeable to your Orders I delivered over to him the Mohuris, with their Papers; but he has not looked into a single Account of the Hushabood. He demands the Jumma Currutch for the last Five Years; and has treated Hur Goving Mohurir with great Severity, and has put him in Irons. He requires my own private Accounts; and has punished Bulleby Caunt, Naib of the Cutcherry, with a Corah with great Cruelty. He has also put Ram Gopaul, Shew Persaud, and others, Mohuris, in Irons; and has also ordered 25 Pair more of Irons to be prepared. He has placed on Breje Kithwur Coor, my Uncle, Ten Harcarrahs and Burcundaffes, and confined him in the Cutcherry. On the Arrival of the Aumeen I went to pay him a Visit; but he immediately confined me also, and has not permitted me to go Home to celebrate the Hooley. The Aumlah and Inhabitants are extremely alarmed at this Behaviour; the Collections are also at a stand; nor is there even the Appearance of a Light in the Cutcherry.

A true Translation.

(Signed) R<sup>d</sup> Goodlad,  
Persian Translator.

### Copy of General Clavering's Protest to the General Letter.

I had expected, conformably to my Requisition to the Governor General, that he would have informed the Court of Directors in what Mode he proposes the future Settlement of the Lands in Bengal is to be made; in Seventeen Days the old Leases expire, and as yet the Council is entirely ignorant what Mr. Hastings's Intentions are concerning it. The General Letter can hardly be called an Index, as it neither relates nor refers to the principal Incidents which have happened since the Departure of the last Ship. The Refusal of Two of the Members to sign a Letter written in the Name of the Council, must be deemed of sufficient Importance to deserve to be noticed to the Court of Directors and the King's Ministers, as only Reasons of the most weighty Nature can justify the Measure. I therefore protest against the Letter from the Revenue Department, and particularly against the Insertion of the Two Paragraphs drawn up by the Secretary, mentioning the Increase of his Salary, and the Refusal of Mr. Francis and myself signing the Letter lately written to the Council of Moorshedabad.

A true Copy.

Revenue Dep<sup>t</sup>.

R<sup>d</sup> Sumner, Sec<sup>y</sup>.

### Copy of Governor General's Minute, dated 26th March 1777.

Fort William, 26th March 1777.

Governor General,

It was not till after the Close of the present Dispatches that I could allow myself an Opportunity to read Mr. Francis's Minute, delivered to the Board on the 21st February. It has occupied a large Portion of my Time to read it with the Attention which was necessary to attain a clear Understanding of its Design, Connection, and Deductions. I shrink with Apprehension from the Idea of entering on a minute and formal Reply to it; and the more so, as I find by the Conclusion of One Paragraph near the End, that Mr. Francis considers me as fairly engaged with him in an indefinite Train of Controversy, than which nothing is more foreign from my Intentions (I may add) from the Duties of my Station.

But however disposed I might be to enter the Lists with him, I am in a great Measure precluded from it on this Occasion by the Manner in which he has thought proper to arm himself against me. He professes to introduce Thirty-eight distinct Propositions as mine, and marked as literal Extracts from my Minutes. I have no Doubt that they are faithfully extracted; yet as they stand, I confess that I scarce know many of them when I meet them. They are all stated as fixed and universal Maxims, though the greater Part were only relative Positions, and can only be understood by the Context, to which I have no Access, because I know not from what Parts of my Minutes they are taken, as there is not a single Mark of Reference annexed to any of them. If this be a fair Mode of Argument, it is not such as I should have thought myself at Liberty to use with any Opinions of Mr. Francis; and I hope that the next Time he may think it proper to combat mine, he will be pleased to inform me whence he has gathered them.

The Drift of the Minute (if I rightly understand it) is to prove that the Plan of Enquiry which I have recommended, is an Innovation unknown till the Government of Cossim Ally Khawn; and that it is my Design to raise the greatest possible Revenue from the Province, and to deprive the Zemindars of their Inheritance.

## A P P E N D I X, N<sup>o</sup> 15.

There are many other Propositions contained in the Minute, exclusive of the direct Details of those which he states as mine; but all these I regard as Points of mere Speculation, neither belonging to the original Question, nor perhaps applicable to any Purpose of real Use. For Instance, Of what Consequence is it to the Management of the Revenue of Bengal at this Time, whether the Jumma or Rent Roll of Bengal, which was formed by Rajah Toorul Mull 220 Years ago, continued inviolate till the Government of Jaffier Cawn, or whether it underwent many Changes in the preceding Period? Yet many Pages of Mr. Francis's Minute are filled with this single Subject. In Answer to some Observations of Mr. Francis in a former Minute, respecting the Validity of the Tumar, I had said, that it was grown obsolete. If what is now urged in Support of the Tumar be only intended as a Refutation of my Assertion, I must take upon myself the Charge of having furnished an Occasion of protracting the Debate to such a Length on so unprofitable a Subject; and that I may not be the Means of keeping it up much longer (as I cannot admit the Contradiction to be well founded) I shall only remark that if the Tumar is not obsolete it must at least exist, and it will rest with Mr. Francis to shew where it is to be found. It is not in the Records of the Canongoes, for that which they call the Tumar is the Aggregate of many Taxes added to the genuine Tumar, and differs essentially both in Forms and Amount from the Abstract of it, which Mr. Francis has borrowed from the Ayeen Akbaree, and for which I presume he would not have had Recourse to that Book, if he could have found it in any of the official Records.

If the Authority of the ancient Tumar is affirmed for any other Purpose, it must be either to recommend the Confirmation of it, or the Application of it at least, as a Basis to a new and permanent Settlement. But either of these Purposes would be contrary to Mr. Francis's Plan, long since recommended by him to the Court of Directors; for in this he proposes to levy a Tax on the Province, amounting, by my Calculation, to One-third more than the Sum of the Tumar Jumma, and instead of proportioning this Assessment to the Standard of the Tumar, he proposes to distribute it by the Medium Rate of the actual Collections of the last Three Years. (Vide Mr. Francis's Plan, Par. 50. and 51.)

I shall now reply to the Positions which I have stated as the material Objects of Mr. Francis's Minute.

1<sup>st</sup>. That the Plan of Enquiry which I have recommended is an Innovation unknown till the Government of Cossim Ally Cawn.

To this it might be sufficient to answer, that the Plan of Enquiry which I have recommended is exactly similar in its Nature and Design to the Plan of Enquiry first introduced by Tural Mull, on which he founded his Tumar. It is therefore no Innovation. The present Government of Bengal possesses equal Rights as a Government to those formerly held by King Acbar, and may with equal Justice cause a new Valuation of the Lands to be made on the same Grounds, and for the same Purposes as he did. This Example, if it be Authority, will justify it in the present Instance. This was an Act without Precedent or Law to support it, but his Will, which was absolute. It is in vain to look for the Constitution of a despotic Government in any other Principle. Yet, even in such a State, Interest and Convenience will always sanctify old and fixed Habits, because of the Respect which is paid to them by the Bulk of the People, and because the Advantages accruing from them are certain, and may be lost by the Attempt to substitute new Modes in their stead. It is therefore probable, that if the Company's Representatives in Bengal had found the Constitutions of Tural Mull in Force, and the acknowledged Standard of territorial Property in the Country when they took Possession of it in the Year 1765, they would have adhered implicitly to it, as their Guide in the Collection of the Public Revenue; nor would they or their Successors have had Recourse to temporary and variable Expedients of adjusting the reciprocal Claims of the Government and the People. Mr. Francis admits that the Constitution of Bengal has undergone many Changes, even from the Accession of Jaffier Cawn, which includes a Space of more than Half a Century. In so great a Length of Time, and under so many Revolutions as the Government of Bengal has suffered in the Course of it, it was not possible that the Constitution so early infringed should have recovered itself, or even that it should not have almost totally perished. In Effect, there are not now any Traces of it in the Practice of the Revenue, nor have been for a Number of Years preceding the Date of the Company's Acquisition of the Dewanny. The same Cause therefore which induced King Akbar to establish an equal and permanent Standard for the Collection of the Revenues in his Time, equally requires that the same, or other Means as efficacious, be employed for the same Ends in this.

Though this Reasoning appears to me conclusive to defend the Plan in question from the Charge of Innovation, yet as Mr. Francis has asserted that it was never once introduced till the Time of Cossim Ally Cawn, I shall examine how far this Assertion is supported by Facts subsequent to the original Investigation made in the Reign of King Acbar. I pretend to no Knowledge of my own; but for my Satisfaction on this and other Subjects, I have put sundry Questions in Writing to the Two Canongoes, which, with their Answer, I have subjoined as an Appendix to this Minute (N<sup>o</sup> 1). By these it appears, that a Hufstabood or Valuation of the Lands was made in some of the most considerable Districts of Bengal, so long ago as the Year 1123, or 1722 of our Era, in the Government of the Nabob Jaffier Cawn, and that the same Practice was repeated by the Nazims, who succeeded him.

I believe it would be no difficult Matter to prove, that this Custom was yet of much greater Antiquity. In a Persian Book entitled Remoojaul A theemgherec, which is well known, and in the Hands of many,

many, I have met with a Firmaun from King Arungzebe to one of his Dewans; which appears to me so much in Point that I have annexed a Translation of it (N° 2).

But, were other Proofs wanting, Mr. Francis has furnished me with one, which, whether I regard it as valid or not, he is bound by his own Declaration to acknowledge as good Authority. His Words are, "Mr. Holwell affirms (Vol. I. Page 222.) that every additional Tax on Land above Three Sicca Rupees a Beega per Annum, is contrary to the standing Law of the Empire, which, until Alliverdy Cawn's Usurpations, had been held sacred and inviolable," &c. Mr. Francis adds, "If there be any Proof to invalidate the Evidence of these Documents, it ought to be produced."

If, as Mr. Holwell affirms, every additional Tax on Land above Three Sicca Rupees a Bega is contrary to the standing Law of the Empire, it follows as an inevitable Consequence, that every additional Tax not exceeding Three Rupees a Bega, is authorized by the same Law. This Inference, in the First Place, totally invalidates Mr. Francis's Doctrine of the Sanctity of the Tumar; and in the Second it proves both the Legality and Practice of Hustaboods or new Valuations formed on a Mofussil or local Scrutiny into the Collections; for it would be an Absurdity to authorize new Impositions on the established Tax, and to prohibit an Enquiry into the Capacity of the Lands to bear it; and it would be the Height of Injustice in the Representatives of Government possessing the Power of making such Enquiry to lay a heavy Tax on the Lands, without knowing if they were able to bear it. Now I have never heard of more than Two Ways of making a Hustabood, viz. either, 1st. By new Measurement and Appraisement of the Lands; or, 2dly. By an Investigation of the actual Collections made on the old Appraisement. The First of these is liable to great Expence and Delay, and under Cover of strict legal Right, to much Oppression. The latter is liable to neither of these Defects: It will always prove an Ease to the lowest Class of the People, who the Aumeens can neither favour by Collusion, nor oppress from Motives of Rapacity, because of the Multitude of People who would be privy to such Transactions, or Sufferers by them. The only Persons who would feel it as a Grievance would be such of the Zemindars or Talookdars as extorted a higher Rent from the Ryots than they could legally claim, or by Encroachments, or fictitious Pleas for Remission, paid a less Rent to Government than was legally due.

To sum up the Whole of the Arguments in a few Words. If it was lawful to levy new Taxes, it was lawful to ascertain the Means of levying and distributing them, and these Means were either proscribed or forbidden, or they were left to the Discretion of the ruling Power; it will not be affirmed, that any Law exists which either proscribes or forbids the Means necessary for this End; they are therefore left to the Discretion of Government; a Hustabood is therefore lawful, and is no Innovation.

2dly. Mr. Francis has laboured to prove, That it is my Design to raise the greatest possible Revenue from the Province, and to deprive the Zemindars of their Inheritance.

I have joined both these Propositions in one, because one very short Answer will serve as a Refutation of both. I declare, that I have no Design to raise the greatest possible Revenue from the Province, nor to deprive the Zemindars of their Inheritance. In making this Declaration, I am entitled to Credit, because, in the First Place, I am certainly the best Judge of my own Intentions; and in the Second, it would be the Height of Imprudence to make such a Declaration on a Point not ultimately depending on my Will, if I really meant to act contrary to it.

But I will not stop at this negative Declaration. It is my earnest Wish, and my united Object in the Enquiry which I have set on Foot, to establish an *equal*, an *easy*, and a perpetual Assessment of the Public Revenue; to collect it through the Medium of the Zemindars, where they are capable of the Charge, and to employ other Means, still reserving to the Zemindars a fixed Proportion of the Nett Revenue arising from their Lands, where they are not.

It was by no Means necessary for me to make these Declarations, or to avow my own private Wishes, at the Time in which I proposed the Institution of an Office for enquiring into the State of the Public Revenue, because those Wishes had no necessary or immediate Connection with it. Whether the Public Revenue was to be raised or diminished, whether the Mode and Amount of it were to be for a limited Time, or for Perpetuity, were Points which it rested with a higher Power than mine, or of the Board united, to determine. Upon the First, we are in a Manner precluded from an Option: The Orders from the Court of Directors invariably require, that the Revenue be kept up to its estimated Amount, and discourage the Allowance of Remissions. On the other Hand, it has been repeatedly recommended to them to allow of a general Abatement in the Rents; and their Decision upon this important Question may be expected by the first Dispatches from England, which, as no very urgent Cause requires it, it would be both imprudent and unbecoming to anticipate. As to a perpetual Settlement, we have no express Authority to make one, nor would it be valid until confirmed by the Court of Directors. My Design, therefore, was no more than what I have professed, to establish an equal Assessment. This will be useful to any Mode of Settlement, and is the only Basis on which a permanent one can be formed, either with a View to the lasting Security of the Public Revenue or of private Property. Until I hear a better Objection assigned against the Establishment of an Equality in the Assessment, than the short Argument opposed to it by Mr. Francis, namely, that "shifting the Disposition of the Burthen will not lighten it," I shall not offer to afford it any further Support, but leave it to stand by its own intrinsic Strength, as a self-evident Proposition.

(Signed)

Warren Hastings.

A true Copy.

R<sup>d</sup> Sumner,

Secretary.

# A P P E N D I X, N° 15.

## N° 1. Questions put to the Naib Canongoes, and their Answers.

Question 1st. Is the Demand of the Sircar limited to the Toomar Jumma, or may more be demanded than the Toomar Jumma?

Answer to Question 1st, by Sirrinarain Mustapha, Naib Canongoe.

The Toomar Jumma is the first Rule; should it however appear, that any Place yields a Profit exceeding the Amount of this Jumma, and this Excess might be collected without afflicting the Ryotts, the Hakims may demand what remains of the Amount of this Excess after the Deduction of the Serinjamny Expences of the Zemindars.

Answer to Question 1st, by Gungo Govind Sing, Naib Canongoe.

In the Reign of Mahomed Akber, Todeul-Mul, who was Dewan of the whole Khalsa, formed a Toomar Jumma for all the Mohals of the Soubah, by establishing a varied Rate per Bega, and a Jumma on easy Terms. All the Hakims afterwards in every Reign till the Time of Kiffaier Khân, formed a Jumma bundy at a higher Rate, proportionably to the Profits, and increased the Jumma. The Jumma was afterwards augmented in various Jaghier Mohals, and as these were resumed, all the repeated Annexations to the Jumma, by the Means of which the Jumma had been raised to a considerable Amount, were in a Course of Time included in the Toomar Jumma, and became a Part of the Regal Revenues. While the Regal Authority existed, no one could remit these repeated Annexations; when the Regal Power declined, various Mahtoots, &c. were superadded, but not included in the Regal Jumma. Adverting to former Custom, both the original Toomar Jumma and the Additions appertain to the King, and the Toomar Jumma only does not limit the Regal Revenue.

Question 2. Is the Toomar Jumma designed for the Zemindar and Talookdar, or for the Ryots?

Answer 2d.

The Toomar Jumma is neither formed for the Zemindar and Talookdar, nor for the Ryots; but in order to state the annual Value of the Country, of which the Zemindar, Talookdar, and Ryots, pay the Revenue to Government.

Answer 2d.

A Toomar Jumma is settled separately for every Ryot in every Village, and for the Nankar Muckeedumay, and other Expences being deducted; a Bundoobust has been fixed for the Zemindars; the Toomar Jumma therefore is designed for both.

Question 3d. In what Year was the Toomar Jumma formed; in what Year did it become in Force; and how long did it continue in Force?

Answer 3d.

Raja Tode-ul Mul, one of the King's Mustedies, formed the Toomar Jumma in the Reign of Akber; and it prevailed in the Sherista of the Khalsa, and in the Tuncaws of the Jagheirdars, till the Time of the Nabob Jaffier Khan Nassary. In the Time of the Nabob Shujah ul Deen Mahomed Khan, a Tushkees Jumma was affixed in some Places, from a Review of the Jumma Wassil Bakee of the Ten Years preceding, because the Revenue had fallen into Arrears; and this Custom prevailed till the Time of the Nabob Jaffier Ally Khan's First Administration; but from the Time of Cossim Ally Khan, the Custom of the Toomar and Tushkees have been abolished, and the Custom of a Huftabood been substituted in its Place.

Answer 3d.

Raja Tode-ul Mul arrived with Muneem Khan Khan Khani, in the 19th Year of the Reign of Mahomed Akber, or in the Year 966, B. S. which is 218 Years before the present Date, and took the Country of Bengal from the Afghans. He afterwards applied himself to the Settlement of the Country, and in a Course of Time formed the Toomar Jumma. I do not know the exact Year when it was formed and became in force; but it remained in force till the Time of Jaffier Khan, or the Bengal Year 1133.

Question 4th. At what Times have the successive Mahtoots taken place?

Answer 4th.

In the Close of the Year 1133, B. S. in the Time of Nabob Jaffier Khan, the Articles were  
SEL. COM. REP. VI.

Answer 4th.

The Fielkhanna Article, and Mahtoot, and some other Articles, were fixed in the Time of Shujah



fixed of the Sherishta Woojeaut Khafs Naveefy, the Mahtoots for the Wages of the Serishtadars, the Pooltabundy of Laalbaug, and the Kella of Mooshtedabad. Afterwards, from the Beginning of 1134 to the End of 1157, in the Nabob Shujah-ul-Deen, Mahomed Khan's, and the Nabob Seifras Khan's, and the Nabob Mahabet Jung's Time, there was a Mahtoot for the Fielkhanna, and other Cattle, &c. The fixed Mizerana, Munfoor Gunge and Gour Bricks; and afterwards, from the Beginning of 1158, the Mohrat-ta Chout, Chunam, &c. and afterwards from the Beginning of 1167, the Abwab of 1½ Anna Serf. and from the Year 1177, a Mahtoot for the Cost of Khelaats (which was before a Business that used to be transacted by Juggut Sect's House) and all these Articles were included in the Jumma.

Shujah ul Dowla, and the Chout, &c. in the Time of Mahabet Jung.

Question 5th. In what District was the First Huftabood formed after the Settlement of the Toomar Jumma; in what Districts were they afterwards formed; from what Place; and in what Year?

Answer 5th.

There is no Trace of the Huftabood Practice in the Time of the Nizamut of Jaffier Khan Nusseery. In the Beginning of the Year 1134, in the Time of the Nabob Shujah ul Deen Mahomed Khan, Allum Chund, Roy Royan, a Mut-feddy of the Khalsa Shereta, examined the Jumma Wafil Bakey Account of the Mohals of the Soubah for the Ten preceding Years; and in those Districts from which old and recent Balances were due, stationed Aumils, and formed a Tusk-kees Jumma of the additional Sum; which he discovered by the Huftabood Valuation, after the Deduction of the Nankar, &c. and the Serinjamy Expences. However, it appeared by this Mode that the Toomar Jumma was too high a Rate for the Chuckla of Houghly, Hidglee, Gowra Gaut, Jessore, &c. But Rajah Keerel Chund, a Mutledy of the Khalfah Shereefa, afterwards, in the Time of Mahabet Jung, or in the Year 1158, re-annexed the Abatement which had been allowed in several Districts, and made a Settlement for Two or Three Years; and the Collections were carried on accordingly to the Time of the First Administration of Jaffier Ally Khan. The Nabob Cossim Ally Khan formed a Zilla-bundee of the Mohals of the Soubah, deputed Aumils into the Purgunnahs Poornea, Badore, and Beerbhoom, Bishempore, Havelly, Pinjia, &c. and established the Sherishta of a Huftabood.

Answer 5th.

Birgey Bullub Crorey was appointed to the Office of Crorey of Pergunnah Ukra, &c. in the Time of Rogooram, Zemindar in the Year 1128. B. S. and to the Office of Crorey of the Chuckla of Houghly, in the Year 1130; who measured the Land, and settled a Jumtabundy, and formed a Huftabood. Ram Kishen Crorey and Mirtunjee Crorey, and others, also formed an Huftabood, in order to realize the Revenue of several Districts. The Custom afterwards commenced in the Time of Cossim Ally Khan.

Question 6th. Can the Hakim take the Authority from the Zemindar, and vest it in a Sezawill, or Muttahew, or a Farmer?

Answer 6th.

It is a Maxim confirmed by Custom, that the Appointment of a Muttahud, or Sezawal, or Farmer, does not divest the Zemindars of their Authority. Should the Zemindars act in Repugnance to Men stationed on the Part of the Government in the Business of the Country or Collections, the Hakims may certainly divest the Zemindars of their Authority, and vest in the Sezawal, Muttahud, and Farmer. But it is necessary that the Huzzoor should be informed, before the Disposition of the Zemindars constituted by Firmaun.

Answer 6th.

The Hakim may, when not satisfied (with regard to a District) place it under a Muttahud; and in case of a Failure in the Payment of the Revenue, or other Faults, may divest the Zemindar of his Authority, and vest it in a Sezawal or Farmer.

Question

## A P P E N D I X, N° 15.

Question 7th. Can the Hakims, agreeably to the Custom, issue any Order with respect to Encrease or Abatement of the Bund-oo-bust, or fixed Revenue of Ryots?

Answer 7th.

Should any Disproportion appear in the Revenue, on measuring the Lands and forming a Jumma-bundy, the Hakim can certainly raise or abate the Revenue above or below the Bund-oo-bust.

Answer 7th.

Should an Abatement be allowed to the Ryots of the Bund-oo-bust, it is the Loss of the Zemindar or Farmer; however they may allow it, in order to promote the Cultivation. In case they should affix an Encrease, and the Ryots complain, the Hakim may order it to be discontinued.

Question 8. Was there a Huftabood before, or has this Practice been adopted only from the Time of Cossim Ally Khan?

Answer 8th.

This Question has been answered before, in Answer to Question 5th.

Answer 8th.

It has been adopted before for the Sake of realizing the Revenue.

Question 9th. May the Zemindar raise the Revenue of the Ryots at his Pleasure?

Answer 9th.

Provided the Ryots have been used fairly and justly to pay their Revenue agreeably to the established Rates; was the Zemindar to demand more at his Pleasure, it would be a notorious Injury and Act of Oppression.

Answer 9th.

He cannot demand more than the full Jumma, and the Amount of the Engagement.

A true Copy,

R<sup>d</sup> Sumner,  
Sec'y.

Copy of a Firmaun of the Emperor Auringzebe.

To the Promoter of Utility and Advantage, obedient to the true Faith, Risshuk Dofs, living in Hopes of the Bounty of the Empire, be it known, As all Our august Desires and Designs, elevated to the Sky, have for their Object the Increase of the Culture and Population of the Country, and the Happiness and Ease of the Ryots, the highest Trust of the Almighty Creator, the Idea of whose Dignity is immense; and upon Enquiry lately made into the State of the Affairs of the Pergunnahs of the Khalsa Shereefa, and of the Tavieldars, from the Ministers of Our Empire, it has come to Our sacred Knowledge, that People, such as Aumeens of the Pergunnahs in Our Dominions, adverting to the Amount produced in the most favourable Years and some late Years, and the Quantity of Land which will admit of Cultivation, the Ability and Circumstances of the Ryots, and other Objects of Moment, do in several of the Villages in the Pergunnahs fix the Jumma at the Commencement of the Year; and if any of the Ryots of the Villages do not consent to this Mode, they settle their Jumma at the Time of the Harvest by a Measurement of the Lands, or by Ascertainment of the Produce (Cunkote) and in many of the Villages, the Husbandmen and Tillers of which they know to be in a State of Poverty and Distress, they settle with such Men, by taking a Proportion of the Grain, either an Half, a Third, Two-fifths, or more or less, and at the End of the Year they transmit to the Royal Duffer, according to established Customs, general Accounts of the Specie realized, having first authenticated them; and these Accounts are also confirmed by the Crorees, and signed by the Chowdries and Canongoes, but no Account of the Lands in each Pergunnah, specifying the exact Produce of each, and distinguishing the different Articles of the Kurreef and Rubbee Harvests; viz. what Quantity of a superior Value, and what of an inferior, was produced in the last Year, and what Increase or Diminution in the present Year compared with the former, or an Account of the Number of Cultivators in each Village, distinguishing the Farmers, Ryots, &c. comes to the Royal Duffer; by which the State of each Mahal, and the Conduct of the Mutfeddies of such Mahal, with respect to the Deductions that have been allowed by them from the Jumma, as first settled on Account of Deficiencies in the Collections of that Mahal, proceeding from a Scarcity of Rain, a Severity of Cold, Cheapness of Grain, or such other Causes, do not clearly appear. If they make themselves perfectly acquainted with the State of the Cultivators and Produce of each Village, and act from a perfect Knowledge thereof, and take Pains in the Culture of Lands which will admit of Cultivation, and for the Improvement of Cultivation, in order to effect the Increase of the Revenue to its full Amount, the Pergunnahs will flourish and be in a State of Plenty, and the Condition of the Ryots will be happy; an Increase will also appear in the Produce: And in case of a Calamity, the Loss will be mitigated by the additional Cultivation. The Royal Order requiring the Obedience of the World, is issued, that you (Risshuk Dofs) make yourself acquainted with the

Sta<sup>e</sup>

State of every Village in the Pergunnahs appertaining to your Dewannee and Aumeeny, informing yourself what Quantity of Land will admit of Cultivation; of this, what Quantity is cultivated, and what uncultivated; and how much is produced every Year of the superior Articles; and what is the Reason why the Lands have not been cultivated; you will also inform yourself what was the Usage with regard to receiving the Customs (Mahfool) in the Time of his Majesty, when Rajah Tooder Mull was Dewan: Also, whether the Rate of the Duties (Sayer) is the same as formerly, or whether they have been increased since the Commencement of our auspicious Reign; and also how many Villages are populous, and how many deserted, and what is the Reason of the Depopulation. After making yourself acquainted with these Particulars, you will apply yourself to the Promotion of an Increase of Population in the Villages which have been deserted, and to the Cultivation of those Lands which will admit of it by adhering to your Word, being just to your Engagements, and augmenting the Produce of superior Articles. You will also, where a Well shall have become unserviceable, put it in Repair, and dig other Wells, and fix such a Jumma for them, that the Ryots may obtain their Right, and the Revenue may be collected with Punctuality, and no Oppression may be exercised upon a single Ryot: You will also draw Accounts every Year of the Number of Cultivators in each Village, of the Land which is cultivated and uncultivated, and of the Wells; containing likewise Information regarding the Rain, the Articles produced, both those of a superior and those of an inferior Value; the Requisites for cultivating the Land which will admit of Cultivation, the Increase in the Produce of superior Articles, and the Population of the Villages which had been deserted during a Course of Years. You will also intimate the Particulars of what may have been settled exceeding the former Practice, specifying the Amount which may have been collected in the Course of the whole Year. You will consider the following Regulations, established from the Beginning of the Curreef (Harvest) in the 8th Year of the Reign, and put them into Practice accordingly; you will also direct the Aumils of the Districts, and the Jagheerdars, to observe them, viz. First; You will not give the Chowdries and Aumeels Admission to you in private, but make it a Rule for them to attend publicly in the Cutcherry, and when the lowest Ryots shall come to represent their Case to you, you will make them your Friends by shewing them Notice, and treating them with Kindness, that they may not have Occasion for the Patronage of another in order to express their Wants. Secondly; You will direct the Aumils to inform themselves in the Beginning of the Year of the Cultivators in every Village, the Number of Ploughs, and of the Portions of Lands; and should the Ryots remain, to admonish them (every Man according to his Condition) to sow more Seed, and promote a better Harvest than that of the preceding Year; also to shew such an Earnestness to cultivate Articles of a superior Nature in Preference to those of an inferior, as not to leave more Land which will admit of Cultivation uncultivated, than they can possibly avoid. But should any of the Men have deserted, the Aumils will then inform themselves of the Cause, and use every Means to bring them back to their former Habitation; they will also endeavour, by every satisfactory Assurance and Encouragement, to collect Husbandmen from the circumjacent Country, and dispose of the Land covered with Thickets, so as to cause it to be cultivated. Thirdly; You will direct the Aumeens of the Pergunnahs to act as follows: They will inform themselves in the Beginning of the Year of the State of the Produce of each Village, and the Quantity belonging to each Individual, and with the minutest Knowledge form a Jumma, having Respect both to the Advantage of the Government and the Ease of the Ryots: They will transmit the Doul Jumma without Delay to the Royal Duffore. Fourthly; After the Formation of the Jumma, you will be careful that the Collections be opened at the proper Time, and carried on conformably to the Kists which are established in each Pergunnah, and that the Persons be called upon who do not pay at the Time fixed. You will also every Week inform yourself, and issue your Injunctions that no Balance be left in Part of the Kist. However, if it should happen that Part of the First Kist should remain unpaid, be careful that it be noted to be collected in the Second Kist; but at any Rate that it be paid complete in the Third Kist. Fifthly; Settle proper Kists proportionate to the Condition and Ability of the Ryots for old Balances, and direct the Cories to collect the Amount agreeably to the Engagements, and yourself attend to the Completion of the Collections; and be careful that no Delay be occasioned by the Negligence of the Aumils. Sixthly; When you yourself investigate the State of the Pergunnahs, in whatever Village you may arrive, you will make yourself acquainted with the State of the Produce and Value, the Ability of the Cultivators, and the Amount of the Jumma. If upon separating the Jumma, it shall appear that the Proportion of every Ryot is just and equitable, it is well; but if the Chowdry, or Muckuddum, or Putwarree, should have been guilty of Oppression, you will encourage the Cultivators, and redress them, and take away from any Man the Profit which he may fraudulently have reserved to himself. You will immediately apply yourself with the greatest Care and Probity to the Formation of the Settlement of the present Year, and the Statement of the Particulars of the Balance in Hand, and transmit a circumstantial Account, that the official Knowledge of the Aumeens, and your own good Conduct may appear. Seventhly; Continue the Nankar and Enaum agreeably to the established Practice of the Khalsa Shereefa; you will learn in what Respect the Aumils of the Prince may have increased them, and resume them, assigning for your Reason, the Amount of the Balances which those Servants have left uncollected in the Jaghir since the Time it was granted to the Prince, and the Deductions which they have taken on the Plea of Failure of Produce and Accidents, and discontinue them in future; that when they shall restore these Pergunnahs to their original State, and the Circumstances be represented to the Huzzoor, every Man may experience Favour from the Huzzoor proportionably to the Degree of his Loyalty. Eighthly; Establish it as a Rule in the Fatakhkhanas, that

# A P P E N D I X, N<sup>o</sup> 15.

that the Folahdars shall receive Siccas coined in the Reign of Allumguier : In case the Rupees of this Kind are not to be procured, they will take Shawjehanny Rupees, which are current in the Buzar, and settle a Batta so as to render them equal to Siccas ; but they will never admit into the Folahkanna Rupees deficient in Weight which are not current in the Buzar. If they should know however, that by returning these light Rupees they should retard the Collections, they will take from the Ryots a just and fair Consideration for the Exchange, and exchange them in their Presence. Ninthly ; should, which God avert, a Calamity from Heaven bring Distress upon the Land, you will issue the most positive Injunctions to the Aumils and Aumins, to watch the Produce with the greatest Care, and they will form a Settlement with the minutest Attention, agreeably to Hustabood ; and never allow a general Deduction so as to leave the Distribution of it in the Power of the Chowdries, Canongoes, Muckudums, and Putwarries ; that the lowest Ryots may obtain their Right, and be secured from Injury and Loss, and that there may be no Room for Imposition. Tenthly ; With respect to the Batta, and the Prevention of Expences, exclusive of the Revenue and the prohibited Taxes, which are a Grievance to the Ryots, having given the strictest Injunctions to the Aumeens, Aumils, Chowdries, and Canongoes, take Machulkas from them, that they shall never levy an increased Batta, or any Taxes prohibited or remitted by Our Court, from which Mankind find Protection ; and make it the Object of your constant Attention, should any one of them be guilty of any such Practice, and should not be restrained by Punishment and coercive Measures, write an Account thereof to Our Presence, that he may be dismissed from his Office, and another appointed in his room. Eleventh ; by Means of Persian Translations of the Hindoo Accounts, you will make yourself perfectly acquainted with the Particulars of the original Revenue, and the Taxes (Assul and Abaub) the Amount paid to Government, the extra Charges and the Fees, specifying what is received from each Individual : In short, whatever Sums are taken on any Account from the Ryots, and what Part of it is paid into the Fatakanna (Treasury) draw out an Account of the Remainder which has been embezzled by the Aumeens, Aumils, Zemindars, and others, with the Amount against the Names of each Person, and as far as possible, get together the rough Accounts of all the Villages of the Purgunnah and translate them. And if by the Absence of the Putwarry, or other Cause, you do not get Possession of the Accounts of some particular Villages, supply these Accounts by a Comparison of those of the Villages collectively, and insert them in the general Account. It is necessary that the Dewan, after the general Accounts are prepared, attentively weigh and consider them ; if they are drawn out conformable to Usage, let him keep them, and call upon the Chowdries, Canongoes, Aumils, Muckuddums, and Putwarries, for whatever Sums they may have appropriated to themselves, exceeding their customary Allowances. Twelfth ; Whoever of the Aumeens, Cories, and Fatahdars, conducts himself in his Post with Integrity and Zeal, and acts on all Occasions agreeably to the Rules abovementioned, performing good and faithful Services, of him write an Account, that he may reap the Fruits which he may merit by his Integrity and good Conduct : And if any one acts contrarywise, intimate the Particulars to Our Presence, that he may be discharged from his Office, called to an Account, and meet with the Punishment due to his Demerits. Thirteenth ; Collect the Accounts by Means of the strictest Injunctions at the proper Season. In the Mahal where you may reside, keep a Diary (Roshnamah) of the Collections on account of Revenue and Duties (Saier), and also a daily Price Current (Nerknamah) ; and with respect to the other Purgunnahs, furnish yourself with a daily Account of the Collections made ; and also, an Account of the Balance in Hand every Fifteen Days, an Athfuttah Account Current of the Cash in the Possession of the Fatahdar, and a monthly Jumma Wasseel Bakee ; a general Account of the Jumma, Mujmil, or Close of the Collections, Jummabundee and Jumma-kurch of the Money in the Charge of the Fatahdar ; all these Accounts take from the Aumils every Harvest (Fussil) and having examined them, whatever unauthorized Charges may appear, you will cause to be refunded, and remit them \* to Our Royal Duster. Do not suffer the Accounts of Kurreef to be delayed till Rubby, nor those of Rubby till Kurreef. Fourteenth ; Having immediately obliged such Aumeens, Aumils, and Fatahdars as may be discharged from their Offices, to deliver up their Papers, scrutinize the Accounts, and cause such Articles as at the Time of their being audited were not admitted, to be refunded agreeably to the Usage of the Dewanny ; and transmit to Our Royal Cutcherry their Accounts, with the Particulars of the Receipts on Account of Articles which have not been admitted, that they may be by this Means acquitted from all further Demands from our Duster. Fifteenth ; Having prepared the Dewanny Proceedings agreeably to the usual Form, transmit them to Our Royal Duster every Fussil, under Our Seal and Signature.

A true Copy.

R<sup>d</sup> Sumner,

Secretary.

Copy of General Clavering's Minute, dated the 31st March 1777.

31st March 1777.

General Clavering.

The Reply offered by the Governor General of Yesterday to the Minutes of Mr. Francis and myself, of the 25th and 26th Instant, is a Compilation of Words so desultory and vague, evading what

\* This must mean, Account of the Charges.

it cannot defend, and misrepresenting what it aims to answer, that it seems equally calculated to bear any other Appellation than the one he has given it, of a Defence.

Notwithstanding however the Labour and Difficulty of restoring the Facts as misplaced and perverted by him; yet, left the Art with which it is drawn up, intended as it is to deceive those who have not Leisure to refer and compare the Grounds of the Charges as first stated, should throw a Veil over Facts which it vainly attempts to remove, I sit down at this late Hour of the Dispatch, to point out to the Court of Directors, that Mr. Hastings's Declarations, combined with his Conduct, do in fact amount to nothing less than a Subversion of the Government.

It was not a Denial by me, that the Acts a Majority should form the Resolutions of the Board, but the Abuse of it, by the Governor General, that I complained of, in his bringing Resolutions ready formed, and declaring that he would not wait for the Advice of the other Members; which the Act surely does not preclude their giving, although it vests the Resolution in a Majority. By the Words of the Company's Orders quoted by the Governor General, it is evident that the Resolution, in whomsoever vested, is supposed and must arise from the Debates of the whole Council; hence it is clear, that in whatever Way the Governor General may pervert the Argument, both the Act of Parliament and the Company's subsequent Orders, and even the very Form of the Constitution of this Government, points out, that the Resolution must be formed from the Result of the Opinions of the Members.

Nor do I admit that the Custom of this Government varies from this Assertion, by the Mode of taking Votes by circulating a Question; which by no Means as the Governor states, keeps each Member ignorant, whilst sitting in his Apartment, of the Sentiments of the remaining Members; for no Member gives his Vote without annexing his Opinion, which goes in Circulation for the Information of the next Member, and therein amounts to the obvious Meaning of the Act, the Company's Orders, and the Form of the Constitution of the Government; and had the Candour of the Governor General allowed him to see the Truth of this Statement in this simple Light, he could never have asked the Question, which would then, as it does now, stand self-answered, whether General Clavering is guilty of dissolving this Government by acting conformably to what he before avowed and stated to be the Meaning of the Act.

*The Point of Fact* that the Governor introduces, is the Application of a general Argument to answer a particular Circumstance at all Times inadmissible; it is concluding, that because Freedom of Debate *may* have appeared on former Occasions, therefore it *must* have existed in the present particular Circumstance, when he threw Four Resolutions, ready formed, on the Table, declaring afterwards, that he only meant to take our Opinions officially, "and that he shall think himself justified in choosing such Measures with the only Member of the Board on whom he can rely for Assistance, as shall appear to them most conducive to the Service, and carry them into Execution without waiting the Close of every Series of Argumentation with which the other Members of the Board may endeavour to protract it." I must here observe, that in the frequent Allusions to Custom and Privilege, he seems already to have forgotten his former Assertion, that the Custom in question does not exist.

Whatever Gloss the Governor General may throw over his Conduct of the 14th Instant, it is apparent from his subsequent Declarations already cited, that his Intention on that Day was really what I stated, the Abuse and Violation of the Act, amounting to a Dissolution of the Government.

The Attention the Governor now promises to pay to the temperate Opinions of his Associates in the Government, is too difficult to reconcile with his late previous Declaration, not to betray rather an Apprehension of an Impeachment by Parliament, than a Contrition for the Act itself, which he has committed.

To my Proposition for enforcing the former Order of the Board for closing the Collections, and recalling the Farmers on the Expiration of their Leases, his Condescension in not repealing a former Act of Government, is a Reflection he might have avoided throwing on himself, since it implies an Unwillingness to act conformably to what he now avows to be right, although he formerly dissented to it, when opposing the late Majority, because the Measure was proposed by me.

The Governor General is in Truth right in saying, that he is not reprehensible for what he *can* do, but for what he *does* do; it is a Claim, that all Mankind are equally entitled to; the Fact committed, did not indeed require his Confession to prove it, but nothing less than a Confession could have established, that he acted premeditatedly.

The Responsibility which Mr. Hastings would fain throw from himself for the evil Consequences that arise from maintaining a Division in the Council, by confederating with another, even in the Prosecution of Measures, upon which they had formerly vilified each other, must yet recoil on the Delinquency of his own Actions, which necessarily form the Division he complains of, as no new Members, even devoid of Honour or Sense of Duty to their Country, could possibly have co-operated in, to receive the Punishment for Crimes of which others had reaped the Benefit, unless he would stamp it on the Legislature that *passed the Act*, and the Directors that *permit us to continue*.

Upon the Question, whether Government has a Right to appoint a Servant to the Rajah of Burdwan's Household? the Difference between the Governor General and me is, that he assumes it in Opposition to the Inclinations of the Ranny, and that I conceive it to be only in Support of her Recommendations: On the 30th December 1774, the Date quoted by the Governor, my Answer is recorded, that I named Lolla Chund, and Rupnaram Chowdrie upon the Recommendation of the Ranny;



Ranny; I therefore cannot but persist in declaring, that we have no Right to interfere in the Nomination of a Servant to the Rajah of Burdwan: The Governor General desires me to support this by the Proceedings of either Council of the 30th December 1774, or the 13th March 1775. I will take both: In the First, the Ranny's Petition solicits the Dismissal of Bridge Kishow and Kissen Prawn Metre, and the Nomination of Two others; accordingly her Desire was assented to temporally. On the 17th March, the Proofs against Bridge Kissen, on which she grounded her Desire for his Dismissal, being compleated, he became finally dismissed; and the Board not deeming themselves entitled to the Right of Appointment, recommended the Two Persons who had acted under the temporary Nomination, to be now fixed by her, still leaving the Decision of the Appointment to herself: This Mr. Hastings calls waving a Right; so might every legal Act be deemed waving an Illegality.

My former Distinction between the Nabob and a Zemindar, remaining uncontroverted by the Governor, seems to require no further Explanation on my Side; yet could so plain a Case need Elucidation, it may be observed, that in all Countries the Power in the State, whether it be in Parliaments or Councils, take Charge of the Minority of the Prince, but never descend to the interior Management of the Affairs of Individuals. The Regulation alluded to by the Governor, of the Rajah's Accounts, was before explained by me: It was made by the late Majority: The Necessity of it sufficiently appears by the Statement of the Sums of which the Rajah had been plundered, and which nothing could prevent, but their being open to the Board. In calling for these Accounts, I have constantly joined with the Governor, and if they are not satisfactory, I am as ready to concur in enforcing the Mutchulca: It expresses the Penalty stipulated for any Non-compliance with the Obligation; and while we have this in Hand, I can admit of no Right, either in Law or Reason, for recurring to any other compulsive Means, nor can I perceive the Necessity of making ourselves liable to an Action, that will probably be brought against the Council, if any Violence is committed.

In saying that Bahadar Sing had been an Hircarrah, I have but done him Justice, as it is very well known to every Man in Bengal, as well as to the Governor General himself; nor can any subsequent Marriage of his Niece, who being but the Fourth Wife of the Rajah, is little better than a Concubine, alter his Condition at the Period I alluded to. The calling for these Accounts, it is well understood, had no other View than to introduce the Appointment of this Man; to make him the Instrument of the Governor's Vengeance against the Ranny, whose declared Enemy he is: However, other Purposes, equally flagitious, are now aimed; Motives are ascribed to her for the Refusal of the Accounts, and to Mr. Francis and myself for supporting her in it. After having joined the Governor in every Requisition for the Accounts, he asks, how it can be asserted that we are not competent, nay, that it is not incumbent on us to demand; and receive them? adding, "He will not trust himself to form Conjectures on the Causes of this Reluctance of the Ranny, nor on the Motives of those who so strenuously support her in it." The malicious View with which this Inuendo is thrown out, is only worthy of a Man who having disgraced himself in the Eyes of every Man of Honour both in Asia and in Europe, having no Imputation to lay to our Charge, has dared to attempt in the Dark, what Malice itself could not find Grounds to aim at openly.

The Court of Directors, whose Candour I claim on this Occasion, will perceive, that because I refuse to concur in a Measure which I deem illegal, I am subjected to the malicious Construction of an Imputation of withholding the Accounts, and that with equal Justice he may yet insinuate, that I have my private Reasons in Behalf of the Rajah of Radishai for refusing to join in a Letter to the Council of Moorshedabad, authorizing them to punish all the Officers of that Zemindarry on the Complaint of the Aumeens.

After having, with so little apparent Compunction, subjected a whole Province to Corporal Punishment, it is ridiculous to observe the affected Scruples with which he speaks of the Confinement of Ramcaunt for a short Time. The Right assumed by Government on that Occasion, I then, and now disclaim; but as a political Measure, I yet defend it. That Man, by obtaining Possession of many of the most lucrative Farms of the Province at an Under-value, having rendered it impossible for the Ranny to fulfil the Rajah's Engagements with Government, no Alternative was left at a very late Season, between relinquishing the Settlement which we had concluded, and taking him up. The Effect was immediate; his Farms were given up and re-let at an advanced Rate, since which the Monthly Kists have been paid up regularly to a Rupee.

In cases of Emergency, every Government may be driven to certain Stretches of Power, only to be justified by that Situation: Had Mr. Hastings seen the present Case in this View, it would not have hurt his natural Aversion to Despotism, and his delicate Feelings for the Rights of Men, and still less would it have afforded an Example for a like Exertion of Power without the Plea of Necessity to justify it. The compelling the Rajah of Burdwan to employ a Man in the domestic Administration of his Affairs, whilst the Governor possesses, in the Mutchulca, the legal Means of obtaining the very Ends he professes to aim at, surely cannot be said to favour of that Despotism which he so loudly exclaims against.

The only Point yet unnoticed by the Governor General's Minute, is upon the Subject of Aumeens; which he declares to be intended as a Reply to the former Minutes, and therefore shrewdly observes, that a minute Answer is unnecessary. My Work is thus rendered equally easy; however, I must remark, he has not ventured to contradict the Information he had given me of the dead Man being brought to the Aumeen's Feet, though he has endeavoured upon the ipse dixit of the Aumeen at Radishai, to controvert the Truth of the Complaints made by different People against the Aumeen.



## A P P E N D I X, N° 15.

It is true that these are yet the only Complainants on Record; but I fear, and have too much Reason to believe, that they will soon be followed by many others, attended with Circumstances of great Acts of Inhumanity.

When I enumerate the several Subjects of his Performance which the Governor General may perhaps deem a satisfactory Reply to the direct Charge brought against him; from his own Declaration, of his Usurpation of the Government; his Evasion of this Point, the Perversion of the next with regard to the Dismission of and Appointment of the Ranny's Servants; the misapplied and dissimilar Comparison between a Compliance with her Recommendation; and the compelling her to admit a declared Enemy into the interior Conduct of her Family; the dark and malicious Intimation that follows it; his affected Scruples on a Measure of Necessity; and, finally, his futile Evasion of the Charge against the Aumeens; when, all united, convince me of the Justness of a Remark made by an eminent Personage in England on reading his Defence of the Rohilla War, that the Arguments it contained would even have been unworthy of Mrs. Rudd.

(Signed) J. Clavering.

A true Copy,

R<sup>d</sup> Sumner,

Sec<sup>y</sup>.

Copy of the Governor General's Minute, dated the 30th March 1777.

Governor General—In the Minutes of General Clavering and Mr. Francis, of the 25th and 26th Instant, "I am charged with a Breach of the Act of Parliament, and an Usurpation of the Government. So harsh a Charge well deserves the Attention of the Company; and although I trust that the Proceedings and Arguments which have already passed on the Subject which has given room to it, contain a sufficient Refutation of so groundless an Accusation, yet I am now once more compelled to defend myself, although I must go over the same Ground.

The Act of Parliament prescribes the Constitution of this Government in the following Words: "And be it Enacted by the Authority aforesaid, That in all Cases whatsoever wherein any Difference of Opinion shall arise upon any Question proposed in any Consultation, the said Governor General and Council shall be bound and concluded by the Opinion and Decision of the major Part of those present; and if it shall happen that by the Death or by the Absence of any of the Members of the said Council, such Governor General and Council shall happen to be equally divided, then and in every such Case, the said Governor General, or in his Absence the eldest Counsellor present, shall have a Casting Voice, and his Opinion shall be decisive and conclusive"

The general Regulations of the Company upon this Subject, which followed the Act of Parliament, are expressed as follows: "In transacting the Business of your Department, it is our Order that you enter with the utmost Perspicuity and Exactness upon your Consultations, or Minutes of Council, all your Proceedings whatsoever, and all Dissents, if such should at any Time be made by any Member of your Board, to be transmitted to us by every Ship."

General Clavering is pleased to assert, "That the Act of Parliament enjoined, that whenever there might be a Difference of Opinion, the Determination should result from a Majority of *cursing* Voices, given after every Information received by Argument on both Sides." Mr. Francis indirectly accuses me of departing from the regular Form of Debate, established by Custom hitherto unvaried, and confirmed by Law: He positively declares, "That the Council instituted by the Legislature does in fact cease to exist if the President collects only the Votes of the Members, without listening to their Advice; or if any Resolution of Consequence be taken without a previous Deliberation of the whole Board." And after repeating Two Sentences of my Minute of the 21st, he charges me with a Dissolution of the Government established by Law, and with having violated the Laws of my Country: And to render the Charge more complete, he observes, that it is accompanied with my own Confession.

Having searched in vain for the Grounds of these Opinions, I request General Clavering, or Mr. Francis, will point out to me the Clause in the Act of Parliament which enjoins that the Voices in Council shall be given after every Information received by Arguments on both Sides; that they will shew me where the Form of Debate is confirmed by Law, or where it is declared that no Resolution of Consequence shall be taken without a previous Deliberation of the whole Board: Until this is done, the Charge on the Score of Legality must appear to the whole World unauthorized and unsupported.

I shall next examine it according to the regular Form of Debate established by Custom hitherto unvaried. It is well known to General Clavering and Mr. Francis, that in the Dispatch of Business, important Resolutions of Council are often taken without the Information of Arguments on both Sides, or a previous Deliberation of the whole Board, but merely by collecting the Votes of the Members. This is done every Day, even without the Meeting of Council: The Secretary circulates a Paper or a Question, and each Member sitting in his own Apartment, and ignorant of the Sentiments of the remaining Members, minutes down his Opinion; and the Majority of such Opinions becomes a Resolution of Government. Within these few Days the Secretary, at the Desire of General Clavering, circulated some Letters from Captains Ash and Crawford, which contained Questions

## A P P E N D I X, N<sup>o</sup> 15.

tions of no less Importance, than whether we should allow the former to commence Hostilities against one of the Chiefs of Ramgur, and authorize the latter to wage War with the Rajah of Tamar, stated to be an independant Prince, into whose Territories the Company's Arms had never penetrated? Is General Clavering then guilty of dissolving this Government? The Questions which I proposed were dictated to the Secretary, and moved at the Board. This Question and many others were proposed, decided, and passed into Resolutions of Government, without any previous Deliberations or Meeting of the Council whatsoever; and General Clavering, so far from protesting against this Practice, has uniformly countenanced it. Where then is this *regular, established, and unvaried* Form of *Debate*?

*In Point of Fact* the Minutes of the Council will best shew with what Justice it is asserted that Freedom of Debate is excluded, and that the President collects only the Votes of the Members, without listening to their Advice; the Resolutions of Council, instead of being concluded merely by the Opinion and Decision of the major Part, according to the strict Letter of the Act of Parliament, or formed of Proceedings and Dissents, are filled with Minutes dictated to the Secretary previous to the passing of almost every Resolution; the Length of these Minutes is arbitrary, and however I am sensible of the Delay and Embarrassment which in a divided Council are thus occasioned, I have never attempted either to interrupt or to limit the Exercise of this Custom. In my Minute of the 21<sup>st</sup> Instant I declare my Opinion in express Terms, that a Member of the Board undoubtedly possesses that Privilege of recording his Sentiments by Minutes dictated at the Council Board. The ample Opportunity of exercising this Privilege which every Member enjoys, will best appear from the frequent Meetings of Council. The Orders of the Company direct us to assemble in Council twice every Week; our Records will prove, that except at the Dispatch of a Ship I generally summon Councils Five Times a Week; and the Consultations will shew how much of the Four or Five Hours which we spend at the Board is taken up in dictating argumentative Minutes to the Secretary.

But although I approve and adhere to this Mode, from that Candour and Attention which I wish to shew to every Member of the Board, I insist, and I am supported in my Opinions by the Extracts of the Statute, and of the Company's Orders. by the established Practice of circulating and deciding Questions out of Council, and by Common Sense, that the Opinion and Decision of the Major Part of the Council, legally and constitutionally form a Resolution of the Government, whether the Arguments or Objections of every Member on the Question have or have not, at *that* Time, been formally taken down and entered on the Minutes of Council; were it otherwise, it would be in the Power of any Member totally to impede the Business of this Government, by lengthening Minutes on the most frivolous Subjects.

In my Minute of the 21<sup>st</sup>, I gave a full and particular History of the Manner in which I moved the Propositions in question. While the General and Mr. Francis were dictating Minutes to one Secretary, I employed the other in taking down the Motions which I had to make to the Board. It was the last Time we were to meet in Council before the Dispatch of the Ship, and I thought it proper that they should stand on Record, for the Information of the Company; for this Purpose I had only Two Ways to choose, either that which I adopted, of moving them at the Council Board, or to have sent them round for the Opinion of each Member separately in the Secretary's Box. I did both; I moved the Questions at the Board; but the Day was too far advanced for the Secretary to take down the Opinions from the Mouth of each Member of the Council; I reminded the Board of this, and therefore desired they would deliver their Sentiments upon them when sent in Circulation.

A Reference to the Records will shew how strenuously, though I confess ineffectually, I have endeavoured to reconcile the jarring Opinions of the Council, and to accommodate my Sentiments to those of the other Members. I always have and shall continue to pay Attention to the temperate Opinions of my Associates in the Government: It is impossible to give a stronger Instance of this than in the Assent which I gave to General Clavering's Proposition, on the 14<sup>th</sup> Instant, for recalling the Farmers immediately on the Expiration of their Leases. The Question was not only important, but was accompanied with a Confirmation of a Resolution of the late Majority, about the Period of settling the monthly Revenue, from which *I had dissented*, yet I agreed to the General's Question.

In what then is my Conduct in carrying on the Business of Council reprehensible? Is it because I have declared that I can "take the Opinions of General Clavering and Mr. Francis only officially?" This is a Necessity to which I have been long since reduced; our Communications are confined to Debates at the Council Board, and our Opinions are delivered in written, too often personal, Altercations. In this Situation, being deprived of their Aid in concerting the necessary Plans of Government, however desirous to avail myself of their Reasonings, and even to adopt and follow their Propositions, I am obliged to choose such Measures as appear to me most proper, "in Conjunction with the only Member of the Board on whom I can rely for Assistance." This is a Circumstance which required no Confession of mine to establish; it is the inevitable Consequence of that Faction which divides this Government; and whatever Evils it may create, those who first split this Council into Two Parties, and those who permit them to continue, must answer for them.

General Clavering is pleased to repeat his Declaration, "That we have no Right to interfere in the Appointment of a Servant to the Rajah of Burdwan's Household;" and adds "That the Proceedings of the 17<sup>th</sup> of March 1775, point out, that Lolla Koolshall Chund and Roopnarain Chowdree, so far from being appointed expressly by the Board, were recommended to it by the Ranny for

“that Purpose.” But I must beg Leave to remind General Clavering, that those Persons were expressly appointed by the Board long before the Period he mentions, as will appear in our Proceedings of the 30th December 1774. The Ranny, in her Petition to the Board of that Date, requests that Bridge Kishore and Kishen Prawn Metre, the Rajah’s Servants appointed by former Administration, may be discharged, and that honest and upright Men *may be* appointed in their room. It was then moved by Colonel Monson, and agreed to by General Clavering and Mr. Francis, These Persons should be called to Calcutta, to answer to the Charge, and “that another Dewan and Guardian be immediately appointed in their room.” General Clavering upon this proposed Lolla Koosball Chund to be temporary Dewan, and Roopnarain Chowdry to be Paischae, and both of them Guardians to the Son: Colonel Monson being for the *Persons named by the General*, and Mr. Francis declaring that he could “have no Objection to the temporary Appointment of these Persons,” they were accordingly appointed. A Letter was at the same Time written to the Provincial Council of Burdwan, notifying the Appointment made by the Board in these express Terms: “And we further inform you, “of our having appointed Lolla Koosball Chund to be the temporary Dewan and joint Guardian, and “Roopnarain Chowdry, Paischae and joint Guardian, &c.” Will General Clavering, after so express and regular an Appointment of a Dewan, of a Paischae, and of Guardians to the Rajah, proposed by himself, persist in declaring, “That we have no Right to interfere in the Nomination of a Servant to “the Rajah of Burdwan?”

It is true, that on the 17th March following the Subject was again resumed, and Colonel Monson moved the Board, “That Bridge Kishore (whose Office had been already filled up the Council) be entirely dismissed the Rajah’s Service, and that the Ranna *be permitted* to appoint such Persons as she shall think proper, for the Education of the Rajah her Son, and for the Management of his Household,” and the Board agreed to the Motion, although they had expressly filled these Offices ~~near~~ Three Months before. The Young Rajah, being in waiting, was then informed “that *the Board* “had dismissed Bridge Kishore from all his Employments in the Rajah’s Service, that they had *permitted* the Ranny to *name* such Officers and Servants as she pleased;” and, to mark the unreserved Permission of the Board, and the free Choice left to the Ranny, the Resolution concludes with recommending, however, Lolla Koosball Chund and Roopnarain Chowdry to her Favour.

I will make no Comments on such Resolutions, and leave General Clavering to support, by the Proceedings of either Council, his present Opinion, that the Ranny has an indefeasible Right to appoint Servants, and that the Board cannot interfere. If he takes those of 30th December, they contain an express Appointment of Two Servants; if those of 17th March, they will prove an absolute Dismission of one Servant, and an implied Right in the Board to appoint others, which on that particular Occasion they were pleased to wave in Favour of the Ranny; for if the Board had no Right to interfere, then the Ranny possessed the Right of Nomination. But the Expression *permitted* in the Resolution above copied, plainly imports that she was left to *name* the Persons only by Sufferance, not of Right; and as the Board itself at the same Time *name* and recommend the Persons, this Permission is reduced to a mere Congé d’elire.

General Clavering is, however, of Opinion, that the Board have a Right to interfere in the Nomination of a Servant to the Nabob, because a Prince of the Country; the Company are his Guardians; “but it cannot be pretended that they are so to all the Zemindars of Bengal.” As I do not understand the Reason for this Distinction, I will not attempt to answer it. In the Settlement, however, which the late Administration made with the Rajah of Burdwan, it is expressly stipulated and agreed to on the Part of the Rajah, that Accounts of the Receipts and Disbursements of his Household should be delivered to the Board; for what Purpose was this Article inserted, but to enable the Board to controul and check the Conduct of the Rajah’s Servants during his Minority? The Board apply for these Accounts; a short Abstract is transmitted, and the Vouchers, or any Explanation of them, positively denied. The Dewan, by whom these Accounts had been kept, and the Disbursements made, in order to screen himself, resigned his Office. Upon this, the Board appoint the Father-in-law of the Rajah temporary Dewan, for the Purpose chiefly of receiving the Accounts, according to the Stipulation on the Part of the Rajah. From his intimate Connection with, and Interest in the Rajah’s Prosperity, he is surely best qualified to execute this Office. General Clavering, Mr. Francis, and the Ranny, indeed brand the Name of Hircarrah, a Man whose Niece by Birth, and Daughter by Adoption, will, if she survives her Husband, be the Ranny of Burdwan; and therefore, according to Mr. Francis’s Opinion, the First Woman in the Country.

After the minute Investigation made by the late Administration, into the Conduct and Accounts of the former Household Servants of the Rajah of Burdwan, and under an express Stipulation that the Accounts should be submitted to the Board, it can scarcely be asserted that we are not competent, nay that it is not incumbent on us to demand and receive them. The Ranny, however, persists in refusing them; vows, in a Letter to Mr. Francis, to resist the Orders of the Board; and declares, that her Reputation is at stake. I will not trust myself to form Conjectures on the Causes of this Reluctance in the Ranny to shew the Accounts of the Disbursements of the Rajah’s Household under her Charge; nor on the Motives of those who so strenuously support her in it.

As to the Imprisonment of Rani Caunt, the former Consumany Dewan, by the Orders of the Board, on the Motion of Mr. Francis, the General remarks, “*that it cannot be justified by Right*.” It was a political Measure, to prevent the Mischief he was doing. Mr. Francis observes, that he was confined on a Complaint or Suspicion of interfering in the Business of the Settlement. It is not

## A P P E N D I X, N<sup>o</sup> 15.

my Province to defend the Imprisonment of a Man stated to be independant of the Board, on a private Complaint or Information given to one of the Members; or to reconcile to the Principles of Justice, a Measure founded on *political Reasons*, but which *cannot be justified by Right*. There is no Act of Despotism which such Principles, if admitted, could not authorize.

What I have already said, I consider as a complete Answer to the Observations on the Removal of Mr. Roswell and Mr. Goring, and on the Case of Mr. Lewis.

Mr. Francis insists, That the Deputation of Aumeens, was not a formal and constitutional Act of Government, because it has been disputed and repeatedly denied by Two Members of Government. In Answer, I have only to repeat the Words of the Act of Parliament quoted in the Beginning of my Minute :

" That in all Cases whatsoever where any Difference of Opinion shall arise upon any Question " proposed in any Consultation, *the said Governor General and Council shall be bound and concluded by* " the Opinion and Decision of the major Part of those present." Whatever Mr. Francis's Sentiments may be, the Deputation of Aumeens therefore is an Act of Government, by which he in particular, as a Member of the Governor General and Council, is bound by Statute.

As to the other Remarks on the Aumeens, contained in the Minutes to which this is intended as a Reply, the former ample Discussions on this Subject render a minute Answer in this Place unnecessary. I must observe, however, that their *Instructions* were formally laid before the Council; that their Correspondence with me is regularly kept, and is equally open to the Inspection of the Board as that of the Superintendant of the Offices, the Commander in Chief, or any other subordinate Office of Detail. I have a Right to dispute the Assertion of their having "*committed Outrages*," till it is supported by Proof or Probability. At present, the only Complaint of this Nature before the Board is that of the Ranny of Rajeshahy; and to shew that there is Reason to believe that it is totally false and groundless, I refer to the accompanying Translation of the Aumeen's Answer, and positive Denial of it.

The Conclusion of Mr. Francis's Minute informs the Court of Directors, that the Accounts of Cantoo Baboo's Farms have not yet been delivered in; and that the Thirty Lacks of Rupees have not been deposited in the new Fort, agreeable to the Orders of the Board. I have in consequence applied to Mr. Croftes, Accountant General and Sub Treasurer, to whom those Orders were issued, and now deliver in his Answer.

On the First Point I confess I am embarrassed how to act, or what further Steps to take. If I exert myself in bringing the Accounts of Cantoo Baboo before the Board for their Adjustment and Decision, General Clavering charges me with a Design of eluding the Orders of the Company; if I leave the Matter to take its Course, Mr. Francis indirectly taxes me with Negligence. I wait with Impatience for these Accounts, and still I hope to be able to transmit a clear Exposition of them in the Course of this Season.

(Signed) Warren Hastings.

\* A true Copy,

R. Sumner,  
Secretary.

TRANSLATION of the Charges exhibited by Maha Ranny Bowanny against the Aumeen of Bhettoruriah, &c. and the Aumeen's Replies, as transmitted by him to the Chief of the Provincial Council at Moorshedabad.

Charge 1st. He beat Humaut Chowdry, the Sudder Amidenni Navees, in order to make him produce the Jumma Kurch.

Answer 1st. I have before written to the Huzoor in answer to this Charge, that my Shumar Navees summoned this Man, in order to examine the Receipts of the Secah Shumar. I cannot satisfy myself as to the Authenticity of Accounts but by Reference to the Subsidiary Papers. I did not beat him.

Charge 2d. He beat the Mohurrer of Pergunnah Jellia, and placed a Peon Mohufful upon the Sudar of the Pykes, in order to make him produce the Kurrumcherry, &c.

Answer 2d. The Mohurrer of the said Pergunnah acknowledged that the Papers remaining to complete the List were in the Cutcherry, and promised to bring them. The Cutcherry being situated at the Distance of Three Cos from Natorra, I sent him thither with a Zemindarry Pyke: He had exceeded his Engagement a Day, and I therefore enjoined the Sordar Pyke. I have not in any other Respect placed a Mohufful upon him to make him produce the Kurrumcherry. The Mohurrer of the said Pergunnah has not, to this Time,

## A P P E N D I X, N<sup>o</sup> 15.

Time, brought a single Paper; so far has he been from delivering what Papers were wanting to complete the List.

Charge 3d. He has beaten Paunchoo Bhud-dee, the Aumeen of the Sudder Daftar.

Answer 3d. He attended my Cutcherry with the other Mohurrers of the Aumeeny Duffer, Three or Four Days, on my first Arrival. I may have spoken to him Three or Four harsh Words, but I do not recollect; but I never beat him.

Charge 4th. He has summoned the Putwarry of Pergunnah Bundeanoon.

Answer 4th. I have not summoned the Putwarry of that Pergunnah, nor have I yet mentioned any thing on the Subject. When they have complained although I have not summoned them, will they not complain when I must summon the Etmaumdars and Kutkenadar, agreeably to my Instructions?

Charge 5th. He requires Two Accounts not mentioned in his Instructions; viz. the Jumma Kurch and Taxeem Papers.

Answer 5th. I have not required the Jumma Kurch; whenever I require Papers from the Officers here, I deliver a List. I have not yet required these Mofussul Accounts from the Mofussul Officers; from whom then can I have required the Jumma Kurch? The Taxeem Accounts are necessary, in order that I may be satisfied with respect to the Villages in each Pergunnah. I have not mentioned any thing on this Subject to the Zemindarry Officers, but mentioned it one Day to the Canongoe's Mohurrer.

Charge 6th. With respect to Anundiram Buckshy, and the other Mohurrers mentioned in the List, on the Part of Peraun Bose.

Answer 6th. Peraun Bose did not place those Mohurrers under me, nor did I myself entertain them in my Service: They belong to the Establishment in the Aumeeny Duffer at the Huzoor; they were appointed there, as I was.

### LIST of Peraun Bose's Mohurrers.

Anunderam, Paishcar of the Aumeen of Bhettooueah, &c.  
 Ram Hurry Bose.  
 Ram Hurry Choudry.  
 Kenkey Dutt.  
 Manick Chuckerverty.  
 Rammand Mudgemordar.  
 Jykeffen Gose.  
 Panchoo Sien.  
 Lokenaut Manjee, who went to Serooppore.

A true Copy.

R<sup>d</sup> Sumner,  
 Secretary.

Honourable Sir,

I have received the Honour of your Letter of this Date; and in Answer I take the Liberty to submit to you the Reasons why it has not hitherto been in my Power to comply with the Orders of the Board, for laying before them the Accounts of the Farms held by Caunto Baboo.

In my Office the Accounts of the Revenues are arranged under the general Heads of the Divisions; they do not particularize the Jumma Receipts or Balances of particular Farms: For this Reason I was obliged to apply for Assistance to the Provincial Councils. It was not till the Beginning of last Month that I received all their Answers; just at the Time I was much occupied in preparing and adjusting the Annual Books and Accounts of the Revenue Department, to be sent to Europe by the last Ship to be dispatched this Month. I notwithstanding endeavoured to obey the Orders of the Board, but found it impossible: The Accounts were all drawn out in so many different Forms, the Jumma stated for the whole Period of the Five Years Settlement, the Receipts stated only to the End of that Year, many Balances and Claims unadjusted, that I could not possibly find Means to throw the Whole into a general exact Account. I must have had a Second Reference to the Provincial Councils; and I conceived their Answers could not arrive, so as to give me Time to digest and close the

A P P E N D I X, N<sup>o</sup> 15.

the Accounts before the Departure of the Annual Ship; more especially as the Orders of the Board seemed to require the Accounts to the Conclusion of the Committee's Settlement, which does not expire till next Month. Until the Year 1783 is ended, the Receipts cannot be ascertained, nor can the Balances be adjusted; which renders it impossible to state with any Degree of Precision the Accounts between the Company and Cauntoo. The Year drawing now so near to a Conclusion, I hope soon to be possessed of the necessary Materials, and shall lose no Time in obeying the Commands of the Board, which I should not have neglected doing till now, had it been in my Power to form a complete Statement of Cauntoo's Farms, and such as I could have ventured to submit to them as an accurate one. With respect to the Orders for sending the 30 Lacks of Rupees to the New Fort, it was complied with the Moment I received it, as far as depended upon me; that Sum was immediately counted and put into Bags. As soon as this was done, which I believe was nearly Ten Days ago, I acquainted the Chief Engineer, and requested he would inform me when the Place and the Chests in which it was to be deposited would be ready to receive it. He returned me a verbal Answer, that as soon as they were prepared he would inform me of it. I only wait for his being ready, to send the Money to the new Fort.

Calcutta,  
28th March 1777.

I have the Honour to be, with Respect,

Honourable Sir,

Your most obedient humble Servant,

(Signed) Charles Croftes.

A true Copy.

R. Sumner,  
Secretary.

Copy of Mr. Francis's Minute, dated 28th March 1777.

Fort William, 28th March 1777.

Mr. Francis—The Governor General's Minute, dated the 26th Instant, was communicated to me late last Night. If a formal Reply to it were necessary, the Dispatch of the Company's Packet, which I understand is to be closed To-morrow, would make it impossible. The Governor has had more than a Month to consider and digest an Argument which I must answer in a few Hours, if I answer it at all. Notwithstanding the wide Extent of his present and former Minutes, it seems it is equally foreign from his Intention, and from the Duties of his Station, to engage in an indefinite Train of Controversy. I do not perfectly understand the Meaning of this Language, since it is not so much to me as to the Honourable Court of Directors that he owes an unreserved Explanation of his Designs; but I perfectly comprehend the Use of it: Opinions and Propositions which will not bear an Examination in Detail, can only be safe when they are entrenched in Obscurity, or when the supposed Duties of a high Station make it unnecessary to explain or defend them. I am well assured, that in fair Argument the Course I have observed is the Test of Truth: It allows no Authority to Assertions, and reduces a desultory Discourse to such plain and determinate Propositions as cannot be qualified or evaded, and which every Man may understand.

I shall continue to follow this Course, in stating such Observations as the Governor's present Minute immediately suggested to me, and even now most willingly submit to Judgment, whether on one Side the Argument has been strict and in Point, and the Objections solid, and whether they have been answered or evaded on the other.

Remark.

Governor General—"I have no Doubt that the Propositions are faithfully extracted; yet as they stand I confess I scarce know many of them when I meet them. They can only be understood by the Context, to which I have no Access, because I know not from what Parts of my Minutes they are taken, as there is not a single Mark of Reference annexed to any of them."

I do not wonder that the Governor should disclaim all Acquaintance with many of these Propositions, wherever he meets them; yet they are all exclusively his own, both in Sense and Expression. The Extracts are taken from his Two last Minutes on the Institution of the new Office, to which mine was professedly an Answer, and they are quoted precisely in the Order in which they stand in those Minutes. Any one of the Quotations would have led him successively to all the rest; and I must still be permitted to express my Belief that they have not passed without a critical Examination, and that it would easily have occurred to the Governor's Observation if any Quotation had been falsely or unfairly stated.

Governor General—"Of what Consequence is it to the Management of the Revenue in Bengal, that the Settlement formed by Toorall Mull, 220 Years ago, continued inviolate till the Government of Jaffier Cawn, or whether it underwent many Changes in the preceding Period."



The Amount of Toorall Mull's Settlement shews how immoderately the Demand upon the Country has been encreased under the British Dominion, notwithstanding the manifest Decline of all its Resources during a long Succession of intestine Calamities. The unviolated Continuance of the same Assessment, during so long a Period, demonstrates the Justice, Lenity, and Wisdom of the Mogul Government, which contented itself with an unalterable Quit Rent, fixed once for all; such an Example, it is to be hoped, will e'er long be thought worthy of Imitation, and banish the shameful Practice of racking and harrassing the Country with Farming Systems and Annual Settlements. It is true, I do not propose to revert to the Amount of the ancient Assessment, because the present Government is bound by Facts which we cannot command, and by Abuses too long established to admit of perfect and entire Correction; but as far as those Facts will allow, I would give Relief to the Country, and revert, as nearly as possible, to the true Principles of that Government, whose Name and Example we are ready enough to quote whenever we wish to exercise the despotic Powers supposed to belong to it.

Governor General—"That the same Cause which induced King Akbar to establish an equal and permanent Standard for the Collection of the Revenues in his Time, equally requires that the same, or other Means as efficacious, be employed for the same Ends in this."

The Idea of reverting to the Example of King Akbar, must have occurred but very lately, probably within these few Days, to Mr. Hastings. In May 1772 he asserted that "the Mode of letting the Lands in Farm, was in every respect the most eligible;" and in April 1775, "that the Value of the Lands had been sufficiently ascertained." But now it seems, after such a Number of Experiments, we are to imitate King Akbar in establishing an equal and permanent Standard for the Collection of the Revenues, and this new Valuation is to be formed by a Mode of Inquisition which Mr. Hastings, and every Member of the late Administration, declare is not to be depended on—I mean the Deputation of Aumeens. They have said so repeatedly; and I have quoted their Words as they stand upon the Records.

The Governor's profound Silence on this, and many other Points equally urgent against him, makes it unnecessary to press the Argument any farther.

Governor General—"Mr. Francis has asserted, that it, (viz. a general Hustabood) was never introduced till the Time of Cossim Ally."

I have not denied that partial Hustaboods were sometimes made in Districts where the fixed Revenue had fallen in Arrear, in order to ascertain the Cause of the Deficiency, and to grant Relief when the Case required it. But the Question is, whether there ever was an Instance of a general Hustabood of the Provinces before Cossim Ally? The Governor will permit me to give the Answer in the precise Words of his Canongoe, Scerynarain.

Vide Answer 3d.

"But from the Time of Cossim Ally Khan the Custom of the Toonar and Tushkees have been abolished, and the Custom of a Hustabood been substituted in its Place." Again; in his 5th Answer, he says, "that the Nabob Cossim Ally Cawn formed a Zillabundee of the Mahals of the Subah, deputed Aumils into the Pergunnahs, and established the Sheristah, or Office of a Hustabood."

Even Gunga Govind Sing, to whose Evidence in any of the present Questions I think the Governor General should not have appealed, since he is in fact the Author of the Scheme, and the principal Instrument to carry it into Execution, is compelled by the Notoriety of the Fact, to acknowledge, "that whereas there had been Instances of a Hustabood in particular Places, in order to realize the Revenue of several Districts. The Custom afterwards commenced in the Time of Cossim Ally Khan."

In this Place I beg Leave to make a few Observations upon the Governor's Questions to the Canongoes, and on the Inconsistency of their Evidence.

1st. I apprehend that little Dependence is to be placed on Opinions given by Natives of Bengal holding Offices under Government, unless while they suppose the Issue of the Question to be indifferent to the ruling Power, and unconnected with their own Interests.

2d. I have already observed that Gungo Govind Sing is a Party to the present Inquisition, and a principal Actor in it; he is immediately interested in the Institution of the new Office, and the Person most likely to be benefited by the Prosecution of the Business.

3d. The Questions stated by the Governor himself, to prove his own Arguments, cannot be admitted as fair Questions, supposing the Parties uninfluenced; but their Answers being taken by the Governor's own Authority, without the Knowledge or Participation of the Board, or of the Time or Place where such Questions were put, must deprive them of all Weight and Authority in his Favour.

4th. I observe that the Two Canongoes contradict each other in several of their Answers, and that they do not perfectly agree in any Thing, except that the Plan of a general Hustabood was never attempted till the Time of Cossim Ally Khan.

In answer to the First Question, Scerynarain says, that the Tumar Jumma is the fixed Rule;

# A P P E N D I X, N° 15.

Gunga Govind Sing, that it is a *varied* Rule, and that all subsequent Governors increased the Jumma.

In answer to the Second Question, viz. *Is the Tumar designed for the Zemindar, Talookdar, or for the Ryatt*, Serrynarain says, "for neither, but to state the Annual Value of the Country." Gunga Govind says, "The Tumar is for every Ryott in every Village." An absolute Falshood and Impossibility.

But the Task of following these Canongoes is too toilsome to be continued, I shall therefore leave the Remainder of their Answers to the Inspection of the Curious.

Governor General—"In a Persian Book I have met with a Firmaun of King Aureng Zebe to one of his Dewans, which appears to me so much in point, that I have annexed a Translation of it."

I know not the Authority of this Book, nor can I pretend to judge of the Accuracy of the Translation: The supposed Firmaun is directed to Ruffick Dofs, but by no official Name. In the Body of it, he is styled both Dewan and Aumeen; but the Lands which he is to inspect are not specified, nor does it appear whether they are Crown Lands, Jaghiredarry, or Zemindarry Lands. It is plain, however, from the whole Tenor of the Firmaun, that the Object of the Enquiry was to grant Relief, and to promote the Recovery of a ruined, depopulated Country; not to encrease the Revenue of it. If this Paper contained any Evidence of the Existence of a general Hustabood in Time of Aurung Zebe, such Evidence would stand in direct Contradiction to the united Testimony of the Two Canongoes; and as for myself, I pay little Regard to either, I would not endeavour to reconcile them.

Governor General—"An Investigation of the actual Collections will always prove an Ease to the lowest Class of People, whom the Aumeen can neither favour from Collusion, nor oppress from Motives of Rapacity."

To nothing, but the Governor General's own Opinion: "I confess I do not like the Deputation of Aumeens, because I think they are not to be trusted" (Vide Revenue Consultations 14th June 1775;) and that of the late Administration, who say, "We are confident that no Confidence can be put in this Mode of Inquiry."

Governor General—"It is my Wish to collect the Revenue through the Medium of Zemindars, where they are capable of the Charge, and to employ other Means where they are not."

This discretionary Power being reserved to Government, the Question is, by whom, and what fixed Rule shall it be determined, which of the Zemindars are capable of managing their own Property, and which are not.

Governor General—"As to a perpetual Settlement, we have no Authority to make one, nor would it be valid, till confirmed by the Court of Directors."

I have hitherto understood that the Ordering, Management, and Government of the Territorial Acquisitions and Revenues were vested by Law in the Governor General and Council; even the late Government, whose Powers were not of the same Quality or Extent, thought themselves at Liberty to let the Country in Farm for Five Years certain, without waiting for the Sanction of the Court of Directors, who I presume were bound by the Act of their Servants. For my own Part, however, I shall be content to wait for their Approbation, because I am sure they will never refuse it to any Measure formed on the Principles of Justice and Lenity to the Natives of this Country, nor grant it to the Measures at present in Agitation.

(Signed) P. Francis.

A true Copy  
R<sup>d</sup> Sumner, Secretary.

Copy of Mr. Francis's Minute, dated 1st April 1777.

Fort William, 1st April 1777.

Mr. Francis—I have little Time to read, much less to answer the Volumes with which the Governor General is pleased to load the Consultations. In reply to his last Work, dated the 30th of March, I shall content myself with stating the Facts clear of all Explanation, and submit to Judgment on the Questions which arise out of them. Appealing, as I do, to the plain Understanding of Men, I cannot offer a stronger Proof of my own Conviction that Truth is of my Side, than by declining all further Arguments, and bringing the principal Points in Debate to a short Issue.

The

## A P P E N D I X, N<sup>o</sup> 15.

Vide Minute  
21st March  
1777.

1. The Charge against the Governor is for positively declaring, that he will resolve on Public Measures, and carry them into Execution, without waiting for Opinions of the Council. His own Words are, "I shall think myself not only justified in choosing such Measures in Conjunction with the only Member of the Board on whom I can rely for Assistance, as shall appear to be most conducive to the Service, and employ the constitutional Powers of this Government, while I can, to carry them into Execution; nor for this Purpose shall I deem it necessary to wait the Close of every Series of Argumentation with which the other Members may endeavour to protract it."

2. He is charged with a Breach of the Law, and of the Constitution of this Government, in making the preceding Declaration. The First Question is, whether *de jure* the Institution of a Council does not in its Nature imply Deliberation and Advice; and whether the Determination by the Majority of Suffrages alone, does not properly belong to a popular Assembly, and is no wise to a Council of State? The Second Question is, whether there be any Clause of the Act of Parliament which enjoins that the Voices in Council shall be given after every Information received by Arguments on both Sides. The Governor assumes the Negative, and desires me to point out such Clause to him. The Words of the Act are, "That where any Difference of Opinion shall arise in any Consultation, the Governor General and Council shall be bound by the Opinion and Decision of the major Part?" If Consultation supposes Debate; if Decision might be had by Vote alone, or by Ballot; and if Opinion be something distinct from mere Vote and Decision, it follows, that a Refusal to hear the Opinions of the Council, excludes one of the essential Properties of a lawful Resolution of Government, and proceeds to a Decision, which might possibly not be adopted by the Board, if all the Opinions were heard.

3. If the First and Second Question should be decided against the Governor, the Third will be of little Moment: "Whether a positive Refusal to hear the Opinions of the Council be a Violation of the regular Forms of Debate established by Custom?" I have a Right to suppose such a Custom, because my own Experience furnishes me with no Example to the contrary. The Court of Directors will judge, whether it existed here before the Commencement of the present Administration. The Circulation of Papers and Questions, in the Interval between the Councils, is used for the Dispatch of ordinary Business, and does not preclude but rather facilitate the Delivery of Opinions at large, if the Case appears to require it. No Resolution is, or ought to be taken in this Way, until every Member has seen every Opinion. The Governor General makes it a Question of wonderful Importance, whether Captain Ash and Captain Crawford should be prohibited from plundering the neighbouring Villages, or, as he calls it, *commencing Hostilities*.

4. Governor General—"I will not trust myself to form Conjectures on the Causes of this Reluctance in the Ranny, to shew the Accounts of the Disbursements of the Raja's Household under her Charge, nor on the Motives of those who so strenuously support her in it."

For my Part, the Governor General is at Liberty to form and give Utterance to any Conjectures he thinks proper; but when he does so let him avow it. Though I am not accountable to him for the Motives on which I act, I desire no better than to meet the Governor before any Tribunal, which has a Right to judge of our respective Conduct.

5. Governor General—"It is not my Province to defend the Imprisonment of a Mah, stated to be independant of the Board on a private Complaint."

The Complaint was Public, the Governor General was a Party to the Measure, and highly approved of it.

I think the Remainder of the Governor's Minute does not require an Answer. The Question of the Aumeens has been sufficiently discussed, and every other Subject of Controversy is lost in a Comparison with that Act and Declaration of the Governor, by which the Court of Directors are informed, that all future Measures will be chosen in Conjunction with one Member of the Council only, and carried into Execution without waiting for the Opinion of the other Two Members, who at present constitute Half the Council.

(Signed) P. Francis.

A true Copy.

(Signed) R<sup>d</sup> Sumner, Sec<sup>ry</sup>.

Copy of the Governor General's Minute, dated 31st March 1777.

Governor General—If Mr. Francis can afford Time to write a large Folio Volume upon an exhausted Subject, and extend it with foreign Matter, I know not what Duty requires that I should give up mine to a minute Refutation of it, or what Right he has to charge me with Evasion, for leaving any

## A P P E N D I X, N<sup>o</sup> 15.

any Part of it unanswered. I have already given a full Explanation of my Designs to the Court of Directors, nor is it necessary to weary them with Repetitions.

I have complained of the Quotations of Propositions, stated as mine, without a Reference to the Passage from which they are taken. To this Mr. Francis replies, "That they are quoted precisely in the Order in which they stand; that any of the Quotations would have led me successively to all the rest, and he must still be permitted to express his Belief, that they have not passed without a critical Examination." I am not surprized that Mr. Francis should take upon him to oppose his Belief to my declared Knowledge of a Point, which I only can be certain of, because I have been accustomed to it. It is sufficient to affirm in Reply, that if the Extracts were taken from my Two last Minutes, I knew it not; I had no Mark to guide me to them. I looked into my Minute; I met with One, and I believe a Second Quotation, which being faithfully extracted, I concluded the rest to be so. I was tired with the Search, and sought no further, I neither knew that they were "quoted in the Order in which they stand in those Minutes," nor whatever Mr. Francis may believe, did I bestow on them "a critical Examination." I did not find Fault with the Extracts for being unfaithfully made, but for being quoted without the Context with which their Sense was necessarily connected, and which had been added, would as I believe, have rendered the Propositions so explicit, as to have required no other Reasonings to support them.

I do not see by what Connection the Amount of Tural Mull's Settlement "shews how immoderately the Demand upon the Country has been encreased under the British Dominion." Until it can be proved, that Money bore the same relative Value in the Time of Tural Mull that it now does, and that the Country of Bengal contained the same Extent of Land, no Conclusions drawn from the comparative Jumma of the Two Periods can be admitted, nor indeed is the Differences very considerable.

Mr. Francis on former Occasions has endeavoured to prove, that more was collected from the Country during the Administration of Mahomed Reza Cawn than in the Time in which I had the chief Management of it; and this is instanced as a Proof of my Misconduct. Yet though the Demand upon the Country had been thus "immoderately encreased under the British Dominion," as Mr. Francis states it, I found, when I took Charge, that the Sum produced by it fell so far short of the Exigencies of Government, that besides incurring above a Crore of Rupees of Debt, the Administration here has been obliged in the preceding Year to draw on the Company for almost another Crore. The Expences of the Government were reduced, their Debt cleared off, and there is a larger Sum of ready Money now laying unemployed in their different Treasuries than the Amount of their nett Collections made in any One Year since the Acquisition of the Dewanny. As in the Time of their Distresses I obeyed their pressing Commands in the Retrenchment of Expences, and the Enlargement of their Resources, so I shall now be ready to afford that Relief to the Country which it requires, by a Diminution of the Assessment of the Land Tax, and by contriving beneficial Means of returning the Specie of the Country into Circulation, if the Honourable Court of Directors shall be pleased to give their Authority to it; and if they should be influenced by Mr. Francis's Argument, to be contented with a Tribute in the Manufactures of the Country of 60 Lacks of Rupees, it will enable their Government to make this Relief most compleat, and I shall be happy to be an Instrument of their beneficent Commands. Hitherto I have been the principal Advocate for all the Remissions which have been made for the Relief of the Country, and have drawn on myself much Obloquy by it.

Mr. Francis says, That "the unviolated Continuance of the same Assessment during so long a Period, demonstrates the Justice, Lenity, and Wisdom, of the Mogul Government." I have endeavoured to prove (with what Success others will judge) that the Assessment did not continue for a long Time inviolate. As a Proof, I have mentioned the Abstract of it, copied by Mr. Francis from an ancient Book, written at the Period in which that Assessment was formed, in Default of an Office Copy, none now existing; that which is called the Toomar in the Khalsa, differing from the former (as I have said before) both in Form and Amount. To whom does Mr. Francis allude when he speaks of "the shameful Practice of racking and harrassing the Country with farming Systems, and Annual Settlements?" Not to me; I found the farming System already established through the Country; all the Orders of the Company, all, without Exception, enjoined it: I made it general, and received their Commendations for it; I lengthened the Period of the Leases, which before was Annual to Five Years. This was considered by many as a bold Innovation. If a perpetual Assessment shall ever be allowed to take place, I shall hope to be remembered as at least One of the first Projectors of it.

"The Idea of reverting to the Example of King Akbar must have occurred but very lately to Mr. Hastings." Mr. Francis has misunderstood me; I never entertained an Idea of reverting to the Example of King Akbar. Mr. Francis had taxed me with introducing Innovations: In Reply I quoted the Example of King Akbar, to shew that the late Investigation which I had recommended, was not an Innovation.

When I asserted in May 1772 that the Mode of letting the Lands in Farm was the best, I assigned the Reasons for that Opinion, which were applicable to the State of Bengal, and the Company's Affairs at that particular Period: I have also said, that it would prove a Means of ascertaining the Value of the Lands. This Opinion is triumphantly quoted by Mr. Francis as inconsistent with the declared Object of the new Office.

The Objection has been so fully and repeatedly answered, both in Mr. Barwell's and my Minutes, that I am surprized to find it again returned upon me: But whatever Mr. Francis may think, the Plan of a general Hufstabood, so far from being inconsistent with the Design of the Five Years Settlement, is a necessary and even essential Part of it. This will best appear by the following Extracts from the Cabooleats or Engagements executed by every Farmer and by every Zemindar entrusted with the Collection of the Revenue, when the Settlement was formed in the Year 1772.

The 16th Article of the Amulnamas or Leases (of which the Cabooleats are an exact Counterpart) entered in the Proceedings of the Committee of Circuit in June 1772, is as follows:

"A Mohrir having been appointed with you in Behalf of the Government, you are to suffer him to take comparative Accounts of your Sheristah; and by no Means make any secret or clandestine Collections: Should this be proved, you will not only have to pay what you have secreted to Government, but also be fined proportionably. Whatever Sheristahdar may be appointed by the Government, he will only take comparative Accounts of your Sheristah; he will have no Concern in the Management of the Business, or with the enforcing of Regulations."

The 20th Article stipulates and binds the Farmer as follows:

"Whenever you shall relinquish your Farm, you shall give in a *Hufstabood* of its then State, agreeable to the Rates of the Pottahs and Jumma at which you took it; you shall even give an Account of what Improvements you have made in Cultivation."

The very heavy Expence which would have attended the fixed Appointment of Mohrires in every Pergunnah, at a Time when the Finances of this Government were so low, prevented the Execution of the Measure mentioned in the First Clause, which I confess I have since more than once had Reason to regret. The Stipulation however marks the Intention of the then Administration, and establishes the Right of Government to collect the Accounts of the actual Collections of the Farmers and Zemindars.

In the Settlement formed with the Rajah of Burdwan, the Sunnud granted to him, and the Mutchulka or Obligations that he entered into, which was formed by Mr. Francis, and are entered in the Revenue Consultations of the 14th June 1776, contain Clauses dictated in the same Spirit, and serving to establish the Right of Government to demand the Accounts of the Mofussil or actual Receipts of Revenue. I shall here insert a literal Copy of them.

Article 1st. "A Dewan shall be appointed on the Part of the Company, in order that ~~the~~ Council may be informed of the State of the Country, and of the Settlement of the Revenue, and the Amount of the Mofussil Collections. Any Disputes which may arise between the Zemindar and his Cutkinnadars, shall be settled by the Dewan."

Article 9th. "Every Settlement which the Zemindar may make with his Agents, or with Farmers or Cutkinnadars, in the Mofussil, shall be registered in the Sudder Cutcherry at Burdwan, and an Abstract thereof entered by the Gentlemen of the Council at that Place in their Proceedings."

After this, is it necessary for me to defend the Propriety of my Conduct, when on a different Occasion my Opponents adopted Measures founded precisely on the same Principles which they now so industriously labour to condemn in mine? or were these Principles just when they possessed the entire Rule, and are they now become criminal only because I have adopted them? The last Clause of the Cabooleats of 1772, above quoted, was expressly intended to provide, at the Expiration of the Leases, compleat Materials for forming a general Hufstabood or Valuation of the Rents, throughout Bengal, as the Means of regulating the future Assessment. The Period is now come when those Materials are to be collected; and all that I have recommended and done, has simply this for its Object. Thus I have in Three Lines described the Principle, Origin, and End of a Plan upon which Volumes have been written. To collect the Accounts of the Rents, for the Purpose of proportioning the Land Tax, has been held forth as an Instance of unparalleled Tyranny; yet in the City of London, the Seat of Liberty, this is done every Day. The Assessment of the Land Tax is imposed according to the Rents of the Houses; and if a Landlord raises the Rent of his House £. 10 a Year, the Tax upon it is increased in Proportion.

Mr. Francis has remarked another Inconsistency in the late Institution with former Declarations made by me against Aumeens. It is true; that I never approved of Aumeens deputed on occasional Investigations into the Country, whether for the Purpose of ascertaining Pleas of Remission, or the actual Amount of Collections, because of the Interest which the Farmer or Zemindar had on such Occasions to purchase a favourable Report from the Aumeen.

In the present Case, however, there is not the same Temptation to Collusion. The Farmers are bound, by their Cabooleats or original Engagements, to deliver up the Accounts of their Collections at the Close of their Leases; and as they have no longer an Interest in their Farms, they have no Inducement, or at least no common Inducement, to suppress the Value of them, much less to pay for their Suppression. Besides, it was impossible to collect the Accounts but by Aumeens appointed either immediately by the Governor General and Council, or by the Provincial Councils. By having adopted the first Mode, we shall be furnished not only with States of the former Receipts of Revenue from every District, with the Opinions of the Provincial Councils and their Officers on the Value of the Lands, and the Revenue which they can yield on a fair and just Collection, totally unconnected with the Reports of the Aumeens; but the Provincial Councils and their Officers will serve to check and controul the Conduct of the Aumeens, of whose Authority and Interference



## A P P E N D I X, N<sup>o</sup> 15.

Interference they must be naturally jealous. Lest the frequent Repetition of the Word *Aumeens* should give rise to a mistaken Notion that they are Persons of a separate Class or Profession, I must remark, that they take their Name merely from the Business which is committed to them, and that any Objection against them will equally be against every native Officer concerned in conducting the Business of the Revenue, or employed in any Place of Trust throughout the Country.

I do not remember the Distinction which Mr. Francis now alludes to, as made in his former Minutes, between partial and general *Hustaboods*, between *Hustaboods* made to ascertain the Value of Lands, and the Cause of Deficiencies. Understanding that he had denied absolutely the Practice of *Hustaboods* till the Time of *Cossim Ally Cawn*, I brought Proofs of the Practice having long before existed; but I will resume the Argument on his own Ground. If it was the Custom formerly to make partial *Hustaboods*, where (as Mr. Francis says) the fixt Revenue had fallen in Arrears, in order to ascertain the Cause of the Deficiency, and to grant Relief, this Admission is all that is required for the Purpose on which this Subject was first introduced. In a former Minute I had asserted, that "the Difficulties which Mr. Francis apprehended were not only surmountable, but such as had always yielded to the same Mode of Investigation; constantly and successfully practised under the Mogul Government." Mr. Francis, in Reply, denied that this Mode had been practised under the Mogul Government till the Time of *Cossim Ally Cawn*: He now admits, that it had been practised, but not generally; nor for the Purpose for which I had instituted the present *Hustabood*. But this was a Charge of the original Question; a *Hustabood*, whether general or partial, or whatever be the Object of it, requires the same Process; and if that Process has been practised formerly, there can be no Reason for condemning it as impracticable now. It is confessed that it has been practised formerly; my Conclusion therefore follows of course, that it is practicable now.

But as Mr. Francis has taken a wider Latitude, by affirming, that it was not the Practice to make general *Hustaboods*, I shall take the Liberty to controvert this Position also, by recurring to a single Fact, indisputable, and already instanced in my former Minute, as a Proof even of the general Practice. The *Tumar* of *Rajah Toorul Mull* was formed on a general *Hustabood*; and as his Example is perpetually appealed to, as of the most sacred Authority, I presume that Mr. Francis will not require that I should descend to Precedents of inferior Credit.

Mr. Francis has taken upon him to dispute the Answers of the Canongoes, which accompanied my Minute of the 26th, upon Two Principles: First, That they are influenced and interested to give Answers agreeable to the Wishes of the ruling Powers. Secondly, That their Answers are contradictory to each other. It will be difficult to support both of these Positions; for if they were influenced to give Answers agreeable to the ruling Power, then they certainly would correspond; and on the contrary, if their Answers do not correspond, it is a Proof at least, that they were not influenced. I leave it to Mr. Francis to reconcile this Difficulty.

The Contradiction which he remarks in the separate Answers to the First Question, arises from an Error in mistaking the Word *First Rule*, for *Fixed Rule*. The Word in the Persian is *Mokudum*, which signifies First, or Principal. I suppose Mr. Francis's Extract was taken from a faulty Copy. By a Reference to the Translation of the Canongoe's Answers, Mr. Francis will find the Words "*First Rule*," plainly written. He will also find, that he has mistaken the Words *Varied Rate*, in the same Paper, for *Varied Rule*: And as his Opinion of Inconsistency in the Answers of the Canongoes, in this Instance, is founded on an Error in Reading, it is needless to say more on the Subject.

In the Answers given by the Two Canongoes to the Second Question, there is certainly a Difference; but no Inconsistency nor Contradiction. The Question itself is not, perhaps, stated with sufficient Accuracy; for it is evident, that *Serrynarrain* understood it as respecting Persons, and answered accordingly, that "the *Tumar* was designed neither for the *Zemindar*, nor the for "*Talook-dars*, nor for the *Ryots*, but for the Value of the Lands." The other Canongoe, understanding it in another Sense, replies in Terms implying, that *Tumar* provided a Rule for every progressive Stage of the Collections, from the largest *Zemindarree* to the Land of the lowest *Ryot*. This Difference, however, is a Proof, that their Answers were not concerted.

If Mr. Francis can trust sufficiently either to his Information being more complete, or to his Experience and Knowledge in Points of Revenue more perfect than that of Native Officers, who have spent all their Life-time in the *Khalsa*, and whose Families have been in Possession of the Offices which they now hold for many Generations, as to affirm, that what they have declared is "an absolute Falsehood and Impossibility," he will excuse me if I cannot acquiesce in so peremptory a Decision: Every Officer of the *Khalsa*, and every Man who has had any Concern in the Collections, can inform him, that the *Jumar* ascertained the Original Rate of every *Chuckla*, *Pergunah*, Village, and *Ryot's Land*, in the Province.

As the Authenticity and Accuracy of the Translation of *Aurang Zebe's Firmaun* are doubted by Mr. Francis, I will furnish him with a Copy of the Persian Original. He may easily procure, however, the whole Book from almost any Library in Bengal. The Elegance of its Style, which is considered as a Standard in the Persian Language, serving not only to establish its Antiquity, but to preserve it. It appears plainly, that the Lands of which *Hustabood* is there ordered to be made, are Lands held by *Jagheerdars* and *Chowdries*, or inferior *Zemindars*. The Object of the Inquiry or *Hustabood* will appear, on a more minute Inspection, to be Twofold. "Not merely to grant Relief, and to promote the Recovery of a ruined depopulated Country," as Mr. Francis supposes; but also, "to increase the Revenue of it." If it had been confined, however, only to the first Object,



Object; Mr. Francis and I are agreed in Opinion, that Bengal has suffered in its Population; and I believe *he* has frequently asserted, that it is a ruined Country; so that even on this Principle, it would serve to shew the Necessity of a Hustabood. As to an Increase of Revenue, I have repeatedly declared, that it is not my Object.

I repeat my Opinion, that an Investigation of the actual Collections will prove an Ease to the lowest Class of People, although Mr. Francis controverts it by again quoting a former Observation of mine, that "Aumeens are not to be trusted." I have already answered this Objection, I am sensible that they require Checks. The Observation applies equally to every other Officer of Revenue, and if it was to be therefore inferred, that they are never to be employed, the Management of the Territorial Acquisitions would be at an End, and every Department of Government would stand still.

I am at a Loss to judge whether Mr. Francis intends the Remarks which follow the Quotation from my Minute, where I propose "to collect the Revenue through the Medium of the Zemindars, where they are capable of the Charge, and to employ other Means where they are not," as an Objection. If he does mean it as an Objection I conceive it to be equally strong against the 56th Clause of the Plan, dated 22d January 1776, which he sent Home to the Court of Directors. He there expresses himself as follows: "As many of the Zemindars will at first be incapable of managing their Lands themselves, they should be obliged to retain a Dewan (or Steward) of sufficient Ability and good Character, who should be entrusted with the Management of the Lands, and be answerable for the Rent due to Government, without whose Approbation he ought not to be dismissed during Four or Five Years at least after the first Settlement." This Clause in my Mind evinces that Mr. Francis also is of Opinion, that it is necessary, where the Zemindars are incapable to use other Means; and he will excuse me if I here give him back his own Remark, "This discretionary Power being reserved to Government, the Question is, by whom, and by what fixed Rule shall it be determined, which of the Zemindaries are capable of managing their own Property, and which are not."

The Honourable Court of Directors only can determine whether Mr. Francis or I are best grounded in our Opinions, as they are contrasted with each other in the concluding Paragraphs of his Minute. According to mine "we have no Authority to make a perpetual Settlement, nor would it be valid till confirmed by the Court of Directors." Mr. Francis in Opposition to this remarks, "I have hitherto understood, that the Ordering, Management, and Government, of the Territorial Acquisitions and Revenues were vested by Law in the Governor General and Council; Even the late Government, whose Powers were not of the same Quality or Extent, thought themselves at Liberty to let the Country in Farm for Five Years certain, without waiting for the Sanction of the Court of Directors, who I presume were bound by the Act of their Servants."

I will not follow Mr. Francis's Reasonings, I will not presume to pass Judgment on the Powers of the Company, and I will not consent to the Formation of a perpetual and irrevocable Settlement of the Revenue of Bengal; ignorant of their Pleasure, a Proposition of such Magnitude I confess would have startled me at any Time, and under any Circumstances; but from Mr. Francis it fills me with Astonishment. When the Company have been expressly and repeatedly called upon for their Sentiments and Orders on this Subject, and when Mr. Francis himself has submitted to them a voluminous and regular Plan for the Settlement and Management of the Revenue, I should not have expected that Mr. Francis would have recommended a Measure, which if carried into Execution, would entirely defeat the Effect of their Commands, and at that very Instant too in which they ought to arrive. What then are his Plans, his Documents, and his lengthened Minutes, intended merely as the Amusements of his Leisure Hours, as Objects of Curiosity, or as Impediments to Business; and because I have on some Occasions refused to accompany him in this unprofitable Amusement, and declined to contest all his speculative Opinions, is he therefore privileged to construe my Forbearance into an Acknowledgment of their Truth, or an Inability to answer them?

I should here close my Minute, but though my Time will but ill afford to dwell longer upon it, I cannot pass unnoticed One Particularity in Mr. Francis's Writings, with which his last especially abounds.

The Authorities which he has Occasion to produce in Support of his own Doctrines, are introduced with a Pomp of Words and with Expressions of the most implicit Credit, and even of Veneration, while he affects the most supercilious Contempt and Disbelief of those who are opposed to them.

The Evidence of the Canongoes is obtained by the Influence of the ruling Power; it is inconsistent; it is false; it is impossible. Satisfied with these Conclusions, he rapidly leaves the Argument, and with Tone of Victory, which the temperate Reader will perhaps think not warranted by the Occasion, exclaims in the following Words:

"But the Task of following these Canongoes is too toilsome to be continued; I shall therefore leave the Remainder of their Answers to the Inspection of the Curious."

Of the Firmaun, which is added as an Appendage to my last Minute, he says, "I know not the Authority of this Book, nor can I pretend to judge of the Accuracy of the Translation;" and, refusing the Evidence of the Canongoes, for the Purpose of joining both in One common Censure. "As to myself (he concludes) I pay so little Regard to either, that I should not endeavour to reconcile them."

Had I been disposed to assume the same Liberty with his Authorities, I might have brought much stronger Objections against the Extracts, which he calls Documents, of the printed Book of Mr. Holwell and Mr. Scrafton, without injuring the Names of those Gentlemen by my Observations; and I might

## A P P E N D I X, N<sup>o</sup> 15.

might have refused even to examine the Credit of the numerous Translations of Accounts which he has transmitted to the Court of Directors, and asserted to be authentic, although unaccompanied by a single Voucher or Evidence; but I was convinced that whether they were genuine or otherwise, Mr. Francis was satisfied with their Truth; nor should I have thought myself at Liberty to dispute it without assigning the fullest Reasons for my Want of Faith. Perhaps I might claim the same candid Indulgence from Mr. Francis, but I confess I do not expect it, since he has Twice refused to give Credit even to my own Assurances, on Points which could only be ascertained by my own internal Knowledge.

(Signed) Warren Hastings.  
A true Copy. R<sup>d</sup> Sumner, Sec<sup>y</sup>.

Copy of Mr. Francis's Minute, dated 1st April 1777.

Revenue Department, 1st April 1777.

Mr. Francis—At this late Hour, and immediately before the Close of the Dispatch, it is not to be expected that I can enter into a Refutation of the Governor's voluminous Minute, dated Yesterday. The general Drift of it is, if possible, to make the Honourable Court of Directors Parties against me, as if it were not my Object to make ample Provision for the Commercial Interests of the Company; or as if I had ever recommended the making a perpetual Settlement of the Revenues without their Authority. With respect to the Second Charge, I have only to say, that if I have ever recommended that Measure, my Words ought to be quoted. As a Matter of Fact, I deny it. The First Charge, fortunately for me, will admit of a positive Refutation. The Governor says, "If the Court of Directors should be influenced by Mr. Francis's Arguments, to be contented with a Tribute in the Manufactures of the Country, of Sixty Lacks of Rupees," &c. Now the Fact is, that the Estimate annexed to my Plan provides and allows no less a Sum than *Ninety-two* Lacks of Rupees for the Investment and Commercial Charges. Such is the Candour with which I am treated!

I see some other Points in the Governor's present Minute, which require an Explanation; but I fairly confess, that my Attention and Patience are exhausted. On these Points I trust that the Judgment of the Court of Directors will be suspended, until another Opportunity may offer of addressing them on the Subject.

(Signed) P. Francis.  
A true Copy.  
R<sup>d</sup> Sumner,  
Secretary.

2d April 1777.

Governor General—It is necessary that I should reply to Mr. Francis's short Minute of the 1st April, as it contains a Charge against me of having misrepresented Two Facts to his Disadvantage, in my Minute of 31st March.

Mr. Francis says, that "the general Drift of it (viz. my Minute 31st March) is, if possible, to make the Honourable Court of Directors Parties against me; as if it were not my Object to make ample Provision for the Commercial Interests of the Company, or as if I had ever recommended making a perpetual Settlement of the Revenues without their Authority. With respect to the Second Charge, I have only to say, that if I have ever recommended that Measure, my Words ought to be quoted. As Matter of Fact."

I shall first answer the last Question, Whether Mr. Francis ever recommended a perpetual Settlement without the Authority of the Court of Directors? It took its Rise from the following Passage in the last Paragraph but one of my Minute of 26th March:

"The Orders from the Court of Directors invariably require that the Revenue be kept up to its estimated Amount, and discourage the Allowance of Remissions. On the other Hand, it has been repeatedly recommended to them to allow a general Abatement in the Rents; and their Decision on this important Question may be expected by the First Dispatches from England, which, as no very urgent Cause requires it, it would be both imprudent and unbecoming to anticipate. *As to a perpetual Settlement, we have no express Authority to make one, nor would it be valid until confirmed by the Court of Directors.*" Mr. Francis, in his Answer of the 28th March, quotes the last Sentence, with his Observations on it, in the following Manner:

Governor General—"As to a perpetual Settlement, we have no Authority to make one, nor would it be valid till confirmed by the Court of Directors."

## A P P E N D I X, N° 15.

“ I have hitherto understood that the Ordering, Management, and Government of the Territorial Acquisitions and Revenues were vested by *Law* in the Governor General and Council: Even the late Government, whose Powers were not of the same Quality or Extent, thought themselves at Liberty to let the Country in Farm for Five Years certain, without waiting for the Sanction of the Court of Directors, who I presume were bound by the Act of their Servants. For my own Part, however, I shall be content to wait for their Approbation, because I am sure they will never refuse it to any Measure formed on the Principles of Justice and Lenity to the Natives of this Country, nor grant it to the Measures at present in Agitation.”

I certainly understood this Passage as an Objection to the Opinion which I had declared, and which is prefixed to it, and I believe most People that read it will understand it in that Sense; for what other could it mean? If my Opinion was just, that we had no Authority to make a perpetual Settlement till confirmed by the Court of Directors, which Opinion made only Part of a Declaration to the same Effect, and Mr. Francis concurred with me in that Opinion, to what do all his Comments upon it tend? Why was I reminded that the Ordering, Management, and Government, of the Territorial Acquisitions and Revenues were vested by *Law* in the Governor General and Council, and informed that the Court of Directors were bound by the Act of their Servants, unless it was meant to induce me to carry into immediate Execution a Measure which I had declared my Resolution of suspending for the Orders of the Court of Directors? Even the Declaration made by Mr. Francis, that “ he shall be content to wait for their Approbation,” and the Reasons assigned for it, still support the Construction which I have put upon this Passage of his Minute, “ because (says he) I am sure they will never refuse it to any Measures formed on the Principles of Justice and Lenity, nor grant it to the Measures at present in Agitation:” The obvious Meaning of these Words surely is, that he is satisfied that the Court of Directors would never refuse their Approbation to a perpetual Settlement formed on proper Principles, and that his *only* Objection to it at the present Time is, that it would be formed by me, and on Principles which he disapproves: This might be a Reason for him to be content that the immediate Execution of a perpetual Settlement should be suspended; but it would be none with that Part of the Council who supported “ the Measures at present in Agitation;” and as the Passage states the uncommon Power vested in the Governor General and Council by Law, and the Position, that the Court of Directors were bound by the Act of their Servants, and all this in Answer to my Opinion, that we had no Authority to make a perpetual Settlement, nor would it be valid till confirmed by the Court of Directors; the Construction which suggested itself to me, that Mr. Francis recommended a perpetual Settlement, will not appear forced or unnatural.

I had other Reasons also to conclude, that in Mr. Francis's Opinion it was not necessary to wait for the Sentiments of the Court of Directors on the different Plans for the future Settlement which had been transmitted to them, or to suspend the Execution of so important a Measure till the Receipt of their Orders: In all the various and lengthened Discussions which have lately passed on this Subject, he has never, to the best of my Recollection, mentioned or alluded to the expected Orders of the Company. The following Quotation from his Minute of the 5th November 1776, in which he first objected to the Plan of a Valuation of the Lands, served to confirm me in this Opinion: Speaking of the Number of Accounts to be procured, he says, “ all this must be done some Time before April next, and Government is to be so well assured of the Accuracy of the Accounts, that we may safely make it the Foundation of our Settlement.” And in his Minute of 21st February he remarks, *The Governor says*, “ that if the Commands or Exigencies of the Company will admit of it, he shall be ready to join in lowering the Revenues;” *the Relief of the Country then is deferred to a future Day.*

The other Passage in my Minute of which Mr. Francis complains, is the following: “ If the Court of Directors should be influenced by Mr. Francis's Arguments to be contented with a *Tribute* in the Manufactures of the Country of 60 Lacks of Rupees, &c.” I shall be sorry if these Words shall be understood by the Court of Directors in the Sense in which Mr. Francis has taken them; I meant not to cast any Reflection upon him for having recommended the Reduction of the Investment to 60 Lacks of Rupees, although I will own that I had in my Recollection the Idea of Mr. Francis having somewhere made such a Recommendation: I am very ready to correct this Error, as I do conclude from Mr. Francis's Declaration, that it is one; but that the Court of Directors may understand the Sense in which this supposed Opinion of Mr. Francis was quoted, or at least that it was not with the oblique Design which he has attributed to it; I will add, that if it is not Mr. Francis's Opinion, that the Amount of the Investment drawn from the Resources of the Country alone, should be fixed to a moderate Amount, it is mine, and I am convinced that their Wisdom will, at some Period or other, adopt it.

Warren Hastings.

2d April 1777.

Governor General—I have read over Mr. Francis's Minute of the 1st of April, with great Attention. It does not appear to me necessary to follow Mr. Francis again through all the Divisions of the Question before us, having already very largely discussed them in my Minute of the 30th March. But as the Conclusion states as mine, a Declaration which I have never made, a short Reply will be necessary,

## A P P E N D I X, N<sup>o</sup> 15.

necessary, to undeceive the Court of Directors, who may be misled by this Information. His Words are as follow :

“ I think the Remainder of the Governor's Minute does not require an Answer. The Question of the Aumeens has been sufficiently discussed, and every other Subject of Controversy is lost in a Comparison with that Act and Declaration of the Governor, by which the Court of Directors are informed, that all future Measures will be chosen in Conjunction with One Member of the Council only, and carried into Execution without waiting for the Opinion of the other Two Members, who at present constitute Half the Council.”

I have never made any Declaration, that I would carry into Execution all future Measures without waiting for the Opinion of the other Two Members, who at present constitute Half the Council. The only Proof that I can produce of this Assertion, and indeed it is impossible that it can admit of any other, is the Declaration itself, which I shall here quote at large.

“ When the General and Mr. Francis shall condescend to shew not that Respect which is due to the Head of that Government of which they were appointed joint Members by the King and Parliament of Great Britain, this I do not expect; but the common Forms of Civility which are mutually due from Men placed in an equal State of Society, when they shall receive my Opinions with Candour, and answer them from no other Impulse than a Desire of uniting with me in the Support of the Company's and National Interests committed to our common Charge, I shall not have a Wish to avail myself of the Constitutional Privileges, scanty as they are, which are annexed to my Station, and shall ever wait cheerfully for the Aid of their Judgment to determine my own.— *But as this is impossible*, I shall think myself justified in chusing such Measures, in Conjunction with the only Member of the Board on whom I can rely for Assistance, as shall appear to us most conducive to the Service, and shall employ the constitutional Powers of this Government while I can, to carry them into Execution; nor for this Purpose shall I deem it necessary to wait the Close of every Series of Argumentation with which the other Members may endeavour to protract it.”

In every Assembly or Body of Men, however formed, or by whatever Name, it is necessary that Questions brought before them should have some Point of Termination. If this Council were an Exception to the universal Rule and Practice, if no Question could be decided till the Close of every Series of Argumentation, then it would rest with any one dissentient Member to put an entire Stop to the Business of Government.

As to the General's Minute, it is beneath a Reply. He may continue to revile me with Language yet grosser, if grosser can be invented. This, with the other Evils attendant on my present Situation, while I continue in it, I must bear, and he knows it.

(Signed) Warren Hastings.

Extract of Fort William Consultations, in their Revenue Department, dated 11th July 1777.

General Sir John Clavering delivers in the following Minute :

General Clavering—The Steps taken by Mr. Hastings in the Month of November last, by the illegal Assumption to himself, independantly of the rest of the Administration of this Country, of the ordering and forming the new Settlement of the Lands, as they vested in him the entire Conduct of that Business, so they most certainly discharged the other Members who did not concur in it, of all the Responsibility resulting therefrom. Hence it is obvious, that it did not depend on me that a new Settlement was not made when the last expired on the 10th of April; and that I am not answerable in any Shape for the Detriment which must attend a late protracted Settlement, only to be felt when the Accounts of the current Year are made up. Three Months are already expired of the new Year; and from the best Information I can obtain, it will at least require Two more, supposing the Settlement should be immediately commenced, before it can be finished. I am sensible I may be told, that the Kists of the first Five Months are very light; and that no material Prejudice can be sustained by postponing the Conclusion of the Settlement so long. In answer, I must remark, that according to the accustomed Mode in which the Kistbundee of these Provinces is formed, the Demand of the first Five Months is precisely One-fourth of the Amount of the whole Settlement, be it what it may. In the mean Time, from the Disposition which has been made of the Lands, in placing them under the temporary Authority of Zemindars and Sezwalls, without establishing any Agreement or specific Engagement, by which a legal Demand can be made, either by the Collectors on the Ryots, or by Government on the Collectors, it is impossible to guess at the Difficulties that may occur from so unsettled a State. In this Situation of Things, I think it my indispensable Duty to enter this Protest against the Delay in forming a new Settlement, and against all the Consequences resulting therefrom.

General's Minute regarding the Settlement.

Governor General—I have taken some Pains to form the Plan of a new Settlement, grounded on the Orders lately received by the Egmont, and did hope to have been able to have produced it to the Board on this Day; but I find it a Work of so much Difficulty, that I have not been able to accomplish it in Time. As soon as it is drawn out I will send it in Circulation for the Inspection of the Members of the Board; who, I hope, will be pleased to give it their Attention, and be able

Governor General's Reply thereto.

A P P E N D I X, N° 15.

to decide upon it, or to adopt any preferable Mode for securing the Collections of this Year, on the next Council Day.

To the Honourable Warren Hastings, Esquire, Governor General, &c. Council of Revenue at Fort William.

Honourable Sir, and Sirs,

Some Disputes having arisen between the Farmer of the Kaus Tulloks and the Zemindar of Mahamedshahy, respecting the Villages of Jeel Jungle Dyah, Chunderporah, and Mynporah, said to be the Property of the former as Farmer, but usurped by the latter, who withheld from him the Rents of the said Villages; it was proposed to us by the Gentlemen of the Council at Moorshedabad, to appoint an Aumeen from our Division, to act in Conjunction with an Aumeen appointed by them, to enquire into and decide on their Disputes. We appointed an Aumeen in consequence for that Purpose, and they were proceeding in their Enquiries; but we have this Day received Advice from the Council of Moorshedabad, that a Summons has been served on the Aumeens, requiring their Attendance on the Supreme Court of Judicature the 4th of next Month. We beg Leave to lay before you Copy of their Letter to us, accompanied by the Address of the Aumeens to them, should you think it necessary to refer thereto for more particular Information. In the mean while we have thought it necessary to direct the Company's Attorney at Law to defend the Suit, which we hope you will approve.

Fort William,  
the 27th January 1777.

We are, with Respect,  
Honourable Sir, and Sirs,  
(Signed) J. Holme,  
M. Dawson,  
John Champain,  
P. Moore.

( COPY. )

Enclosure.

To Mr. Charles Goring, Chief, &c. Gentlemen of the Committee of Revenue, at Calcutta.

Gentlemen,

We have received a very extraordinary Piece of Intelligence from your Aumeen and ours at Ucherra, of their being summoned by the Supreme Court, at the Complaint of Kissen Deo Bucksly; but for your more particular Information, we enclose you a Copy of their Letter to us.

There can be no Doubt of this being done at the Instigation of the Mahomedshahy Zemindar; and the only Reason we can assign for his Conduct is, that he has taken this extraordinary Method to get the Aumeen withdrawn, which confirms us in the Opinion we expressed to you, in our Letter of the 13th Instant, of his endeavouring to elude an Investigation, which he seems to apprehend his Conduct will not bear. It will be needless for us to comment on such Behaviour; the Impropriety of it, and the Consequences of the Zemindars applying to the Supreme Court, merely to avoid the Authority of the Councils under whom they are immediately placed, must be as evident to you, Gentlemen, as to us; and we will only add, that we flatter ourselves you will immediately lay the Matter before the Honourable Governor General and Council, or take such other Measures as you may think proper.

Moorshedabad,  
the 20th January 1777.

We are, with Esteem,  
Gentlemen,  
Your most obedient humble Servants,  
(Signed) Edw<sup>d</sup> Baber,  
W<sup>m</sup> Maxwell,  
W<sup>m</sup> Hosca,  
W<sup>m</sup> Cowper.

A true Copy,  
(Signed) W. Haverkam,  
Assistant Secretary.

( COPY. )

Enclosure.

Arzee of Durrudgenarrain, the Aumeen, on Account of the Disputes in Bulbareah, in the Purgunnah of Mahomedshahy.

This Day, viz. Friday the 7th Moug, about Two Par, the Peons Coffim and Pertaub, brought (in consequence of the Complaint of Kissen Deo Bucksly, the Uncle of Doolaub Bucksly and Bundeeram) a Summons from the Supreme Court of Judicature in Calcutta, and delivered it to Azeem Ulla, and myself. We paid proper Respect to this Summons; the Contents of which in Bengal, was to attend on the 4th of February, at the said Court of Judicature. The Peons likewise, when they delivered the Summons, told us that if we did not attend on the Day specified, we must pay a Thousand Rupees.

We were ordered by the Huzzoor to examine into certain Rights which have been for a long Time in the Possession of the Khas Taluck Officers; these People have absented themselves these Four Months, and without going to the Gentlemen of the Zillah of Calcutta, or to you, have, by  
false



## A P P E N D I X, N<sup>o</sup> 15.

false Representations obtained this Summons, and put a Stop to all the Proceedings. If such Measures are permitted, how can Justice be done in any Affair? We have none but you to protect us, as we came here by the Order of the Huzoor. We have already made our Report regarding the laying up of the Paddy, &c. and the collecting of the Revenue, but have not been favoured with any Answer; at this Time the aforesaid Effects are in the Cutcherry, and the collecting of the Revenues postponed. It is impossible for us to remain here a Moment longer; we shall set off therefore on Saturday Morning, on our Return to the Huzoor.

A true Translation,  
(Signed) Edw<sup>d</sup> Otto Ives,  
Persian Translator.

N. B. The Arzee from Azeem Ulla, the Moorshedabad Aumeen, is in the same Terms precisely as the above.

(Signed) E. O. Ives,  
Persian Translator.

A true Copy.  
(Signed) W. Haverkam, Assistant Secretary.

Extract of Fort William Consultations, in their Revenue Department, dated 15th July 1777.

Governor General—Having promised that I would lay before the Board a Plan for the new Settlement, to be considered at this Meeting, I request, that previously thereto, the Letter which was written to the Provincial Councils on the 4th of April, containing the present Disposition of the Lands, and the 41st, 42d, 43d, 44th, and 76th Paragraphs of the General Letter from the Court of Directors, of the 24th December, may be read; after which, I shall desire that the Opinions of the Board may be taken upon some Points which are essential to the new Settlement.

Governor General's Minute regarding the new Settlement.

Read accordingly the Letter to the Provincial Councils of the 4th April, and the Muchulca.

Read also the 41st, 42d, 43d, 44th, and 76th Paragraphs of the General Letter of the 24th December last.

Governor General—I now submit the following Questions to the Decision of the Board:

1st. Whether in general the Lands shall be given to the Zemindars, where they will agree to the last Year's Jumma, or to a Rent which the Provincial Councils shall judge adequate to their Value?

Governor General's Questions.

2d. Whether sealed Proposals shall be received for the Remainder of the Lands?

3d. Whether Securities shall be taken from the Zemindars who hold their own Lands, or their Lands be subjected to Sale in case of Deficiencies?

4th. Whether the Salt for the ensuing Year be let to the Zemindars and Land Farmers, or new Contracts entered into for One Year, on the present or any other Plan?

5th. Whether the Settlement shall be left to be formed by the Provincial Councils?

Mr. Francis—The Subject of these Questions is of such Importance, that I should be cautious of giving a hasty Answer to them; nevertheless, I know the Time presses, and I should be sorry that any should be lost by my Fault. If the Governor General will agree to meet at this Board To-morrow, or on Thursday if To-morrow be inconvenient, I will come prepared with my Answer in Writing, and hope that the other Members of the Board will do the same.

Mr. Francis's Minute.

Mr. Barwell—The Object of these Questions has long been the Consideration of every Member of the Administration; and as the Questions themselves are not of a complicated Nature, I find no Difficulty in deciding upon them immediately. I mean not, by approving or objecting to any Parts of them, to decline giving my Assent to the Wish Mr. Francis has expressed, to be allowed Time to consider them. To the First Question, I answer, that in my Opinion the Lands should be given to the Zemindars, where they will agree to the last Year's Jumma, or to a Rent which the Provincial Councils shall judge adequate to their Value.

Mr. Barwell's Opinion.

To the 2d, That sealed Proposals should be received for the Remainder of the Lands.

To the 3d Question, I am of Opinion the Zemindary Lands should, by an express Engagement, be subject to Confiscation, to make up any Deficiencies in the Rents, and no other Security demanded from the Zemindars.

To the 4th Question, I answer, that the leaving the Salt with the Zemindars and Land Farmers is the most simple and compendious Method of drawing a Revenue from this Article; and as the Company's Exigencies do not demand this Article as a Trade, I approve of its being rated in the Jumma of the different Purgunnahs, at such a Sum as the Zemindars and Land Farmers may be induced to accept it.

To the 5th Question, I am of Opinion, that Directions should be sent to the Provincial Councils, to form the Settlement.

Mr. Francis—It is very true, that the Points in question have been long under Consideration; and

Mr. Francis's Remark.



## A P P E N D I X, N° 15.

- and I believe it will be found, that I have already delivered my Opinion upon most of them. I desire nothing but the Delay of One Evening, to draw it up and deliver it in Form.
- Governor General's Observations.** Governor General—I should not have proposed these Questions for immediate Decision, had I apprehended any Difficulty in delivering Opinions upon Subjects which have already received the fullest Discussion of every Member of the Board upon them. But I very cheerfully acquiesce in Mr. Francis's Proposal, and consent to meet in this Department To-morrow, when I hope that we shall be able to conclude the Plan of the new Settlement. In the mean Time I think it necessary that the Provincial Councils should be made acquainted with our Intentions of proceeding immediately to the Settlement, and directed to cause the Pooneah to be held in the Mofussil, as this is a Ceremony held essentially necessary, and without which I fear the Collections may be at a stand. I beg Leave, therefore, to propose, that Circular Letters be written to this Effect.
- His Motion.** Mr. Francis—I agree.  
Mr. Barwell—I agree.  
General Sir John Claverling—I agree.
- Resolution.** Resolved, That Circular Letters be written agreeably to the Governor General's Proposition.
- Sir John Claverling's Minute.** General Sir John Claverling,  
I could wish that before I deliver my Opinion on the Five Propositions, that all the Letters which have been received from the Provincial Councils in consequence of the Orders given the 30th of August last, and repeated on the 30th of May, requiring them to form, upon the exactest Calculations of the Sudder and Mofussil Accounts, an Estimate of the Amount which each Pergunnah, or other District Mahl, is capable of yielding, from a fair and equitable Collection of the Rents, prefixing to each the Amount of the Jumma at which they are rated for the present Year; and accompanying the Whole with such Explanations as may be necessary to enable us to judge of the Amount and Conditions of the future Leases; may be read; and likewise, that the Accounts, which the Accountant to the Revenue Department was ordered to prepare on the 9th April, of the Cost of the Quantities of Salt, may be laid before the Board, which he was directed to furnish the Board of Trade with.
- Read accordingly the Letter from the Provincial Council of Dinagapore entered in Consultation 2d May.
- Ordered, That the Secretary do report what further Answers are received from the Provincial Councils, and what have not been received.
- Secretary's Report.** The Secretary reports as follows:  
I do not find any Answers from the Provincial Councils to the Orders of the 30th August, except the abovementioned Letter from Dinagapore, and one from Patna: The Councils of Moorshedabad and Dacca, in their Letters entered 30th May, apologize for not having complied with them, as they imagined the Orders of the Board had been superseded by the Appointment of the Aumeens, and promised to send them as soon as they could be prepared: Those from the Collectors of Chittagong and Boglepore have been received.
- (Signed) R. Sumner,  
Secretary.
- Sir John Claverling's Minute.** General Sir John Claverling,  
I think the Board has great Reason to complain of the Conduct of those Provincial Councils which have neither obeyed the Orders of the 30th August, nor those of the 30th May: Had they been complied with, the Board would have been furnished with the most exact Estimate that the Gentlemen of the Provincial Councils could have obtained, of the Value of each separate Pergunnah, to have regulated our Judgment by: I must now therefore content myself with desiring, that the same Orders be again renewed to those Provincial Councils which have not sent them, requiring them to send us an Answer within a Week after the Receipt of the Letter, and a Copy of their different Consultations held on that Subject.
- His Motion.**
- Resolution.** Agreed that they be written to accordingly.
- Circular Letter.** Agreed that the following Letter be circulated to all the Provincial Councils (excepting Patna) and to the Collectors (excepting Ramgur).

### Circular Letter to Provincial Councils and Collectors, except Patna.

Having resolved to proceed immediately to form the Settlement for the current Year, we direct you to cause the Poonah to be held in the Mofussil without Delay.

We are, &c.

Fort William,  
15th July 1777.

Agreed,

## A P P E N D I X, N<sup>o</sup> 15.

Agreed, That the following Letter be written to the Provincial Councils of Dacca, Moorshedabad, and Calcutta. Letter to Dacca, Moorshedabad, and Calcutta.

To the Provincial Councils of Dacca, Moorshedabad, and Calcutta.

Having great Reason to complain of your Conduct, in not having obeyed our Orders of the 30th August, or of the 30th May last, which if you had complied with we should have been furnished with the most exact Estimate that you could have obtained, of the Value of each separate Pergunnah, to have regulated our Judgment by; we now require your immediate Attention to these Orders, and that you will send us an Answer within a Week from the Receipt of this Letter, together with a Copy of your different Consultations held on the Subject of those Orders.

We are, &c.

Fort William,  
15th July 1777.

Extract of Fort William Consultations, in their Revenue Department, dated 16th July 1777.

Sir John Clavering and Mr. Francis deliver in the following Minute:

Revenue Board, 16th July 1777.

Minute of Sir  
John Clavering  
and Mr. Francis  
on the new Set-  
tlements

Previous to the particular Answers which we mean to give to the Questions proposed to us Yesterday by the Governor General, we beg Leave to offer One general Observation upon them, which we think the Circumstances we are in, and our Justification against the Consequences of any Resolution whatsoever taken at this late Season, demand of us.

In the Middle of July we are called upon for our Opinion, on what Principles and in what Manner the Settlement of the Revenues for the current Year shall be formed. We have yet had no Communication whatsoever from the Governor General, of the Materials collected by the Aumeens in the Course of the last Six Months; nor have the Provincial Councils of Bengal (except that of Dinagapore) obeyed the positive Orders of the Board, issued on the 30th of August last, and repeated in April, to furnish us with an Estimate of the Amount Revenue which the Districts under them might be fairly and equitably capable of yielding. If these Orders had been complied with in proper Time, we doubt not a Settlement might have long since been completed, on the only Principle on which a Settlement can or ought to be formed; we mean that of a fair and moderate Estimation.

In this Situation it is obvious, that if our Opinions were now of greater Weight at this Board than they have been for a considerable Time past, we should still be obliged to give them under particular Difficulties. At a Period, when no Time for Deliberation is left, we are compelled to chuse whether we shall undertake to make the Settlement at the Board without the necessary Materials or Information, or to entrust it to the Provincial Councils, to whose Disobedience or Neglect of Orders it is owing that we are not able to do the Business ourselves.

1st Question. We are of Opinion that the Lands should be restored to the Zemindars, whose unalienable Property they are, upon a reasonable Jumma: That of the last Year we deem highly unreasonable, and impossible to be collected; to continue it for the present Year, would be fallacious in the first Instance, as it would flatter the Company with the Hopes of a Revenue which we never should realize, and in the End be productive of real Loss; as we are convinced that immediate and unreasonable Demands not only create the Necessity of future Remissions, but furnish the Landholder with Pretences for paying less than he ought. In the present Circumstances, and under the late Orders of the Court of Directors to make the most advantageous Terms for the current Year, we think the safest Course will be to take an Average of the Nett Collections of the last Three or the last Five Years, and fix the nett Jumma of the present Year at that Amount, whatever it may be. *We have Reason to believe that the Remissions and Balances on the Settlements of the last Five Years exceed the enormous Sum of Two hundred and Twenty Lacks of Sicca Rupees.* If this be the Fact, we presume it requires no Argument to shew the Danger of following so fallacious a Guide as the Jumma of the last Year, which was the highest of the Five. We do not perfectly understand what is meant by a *Rent adequate to the Value* of the Lands, as the Proportion of the nett Produce to be left for the Support of the Proprietors is not specified: We yield, however, though with great Reluctance, to the present Necessity of having any Share in the final Determination of the Rents to the Provincial Councils. If the Average we propose be taken, it is not probable that many of the Zemindars will decline a Settlement on that Footing.

2d Question. We are of Opinion that the receiving sealed Proposals is fallacious, and gives a dangerous Opening to Collusion; besides that it would in effect be an Auction, which is positively prohibited by the Company's last Orders. There will not be many Competitors for Lands, which the Zemindars themselves will not engage for on reasonable Terms. We would trust the Disposal of such Lands, if any remain, openly, and without Reserve, to the Provincial Councils, under the single Condition so justly and wisely prescribed by the Court of Directors, "that a Preference be given, and every

## A P P E N D I X, N° 15.

“ every Indulgence shewn, to the Natives *resident on the Spot*, and that no European, nor the Banyan of any European, be permitted to hold any Share therein.”

3d Question. The Rent being fixed on reasonable and moderate Terms with the Proprietors, we are of Opinion that the Lands themselves are the natural and proper Security for the Dues of Government. Intermediate Securities are only an additional Burthen to the Country, and contrived, as we believe, for no other Purpose than to dispossess the right Owners, by Degrees, of their Property: At least our Experience does not make us acquainted with any other Effect of that Measure. In the First Part of this Opinion we believe that our Sentiments do not differ from those of the Governor General. The Sale of the Lands must answer ultimately for the Payment of the Rents; but this we say upon the Supposition that the Rents are such as the Lands should justly pay; otherwise it would be in the Power of an arbitrary Government to alienate the whole Landed Property of the Country, by the unjust Act of making an unreasonable Demand upon it.

4th Question. In our Minutes recorded on the Consultations of the 24th of September last, we have given our Opinions at large, that the Salt Lands should be united with the Jumma of the respective Districts. We adhere to that Opinion without repeating the Reasons on which it is founded.

5th Question. If proper Measures had been taken in Time, it would not have been necessary to leave the Settlement to the Provincial Councils; we should have known at least by what Rules they meant to proceed, or have been able to bind them by strict and positive Instructions. In our actual Circumstances, we fear there is no Alternative, and that the Settlement must be left to be formed by them.

*We have taken Notice of the enormous Amount of the Remissions and Balances on the Settlements of the last Five Years, and believe that our Information on this Point, though not precise, is nevertheless nearly accurate. To obviate any Doubts on this Head, and to give the Company a clear and incontrovertible Proof of the Effects of an immoderate and excessive Demand upon the Country, we desire that the Accountant of this Department may be ordered to make out and lay before the Board the Two following Accounts.*

1st. An Abstract of Remissions and Balances for the Settlement of the last Five Years, distinguishing each Year.

2d. An Account, Demand, Receipt, and Balance for the Bengal Year 1183, and Bahar Year 1184.

(Signed) J. Clavering,  
P. Francis.

Orders to Accountant.

Ordered, That the Accountant be directed to prepare the Accounts required in the above Minute.

Governor General's Minute.

Governor General—The Opinions delivered by Sir John Clavering and Mr. Francis, in the preceding Minute, differ so little from mine, that I shall without further Delay submit to the Board the Plan which I had prepared, and had brought for their Inspection Yesterday. It was solely from the Belief that our general Principles upon the Mode of forming the Settlement were the same, that I deferred to produce it Yesterday, and proposed the Questions on which the Propriety of it depended; wishing to avoid the Appearance of dictating to the Board a Measure which I hoped would receive the Concurrence and Assistance of every Member of it. I hope I shall be excused, if I decline to answer the Preface of the Minute just recorded. It would lead to an unprofitable, and to me, a painful Altercation. My own, I have been obliged to preface with a short Vindication, which the Protest recorded by Sir John Clavering on the 11th Instant rendered indispensable; any further Discussion I shall decline.

As I have professed in my Minute a Desire to profit by any Corrections which the other Members of the Board may think it proper to give to the Plan which I shall now lay before them, I should gladly adopt the Rule laid down by Sir John Clavering and Mr. Francis, in Answer to the First Question, to take an Average of the Nett Collections of the last Three or the last Five Years, or even of the last Ten, and fix the Nett Jumma of the present Year at that Amount; but that I think it will be more prudent to keep this Rule as a Reserve for the final Decision of the Board, upon the Settlements which may be formed by the Provincial Councils. There can be no Reason for lowering the Jumma of those Lands which the Zemindars are capable and willing to hold, at that Rate; but were it to be prescribed as a Rule to the Provincial Councils, that they should form the Jumma invariably on the Medium of the Collections for any Number of past Years, it would afford too great an Encouragement for every Zemindar, however profitable his Lands might be, to lay Claim to the Benefit of such an Indulgence. I shall therefore leave the Two First Propositions of the Plan as they stand, still subject, however, to the Correction of the Board.

The Business of the Huztabood is not yet finished. What might have been the Work of a very few Months under a settled Government, has been protracted by many Difficulties and Impediments, which I shall not here enumerate, to this Time. Most of the Accounts are finished, though not yet received. In some Places, from the Hardiness of the Zemindars, and the weak Influence of the Government, I despair of obtaining them. Such, however, as are ready, will be translated

## A P P E N D I X, N° 15:

lated and digested with all possible Dispatch; but will prove of more Utility whenever a permanent Settlement shall be formed, than to the present. Many Accounts, however, are in the Possession of the Superintendants of the Aumeens, which will afford very useful and seasonable Assistance to this Board; particularly the Accounts of the Jumma Receipts and Collections of the several Districts of Bengal for the last Ten Years, and the principal Hustabood Accounts of the Districts appertaining to the Division of Calcutta, which will probably be finished in Time to be received with the Settlements proposed by the Provincial Councils.

The Governor lays before the Board the following Minute and Plan.

Fort William, 15th July 1777.

Governor General—While the Opinion of the Court of Directors, concerning the Mode of framing the new Settlement of Bengal, was either not known or only deducible from indirect Passages in their General Letters, I should not have thought that I had any Cause to complain of being left unsupported in the Duties of my Station, and charged with a separate Responsibility for the Suspension of the new Settlement, had the other Members of the Board then protested against it. But I confess my Surprise to read such a Protest at this Time, when the recent Orders from the Court of Directors not only justify the Delay, but demonstrably prove that they had not even a Suspicion of our venturing to engage in so important a Business without their special Orders for it. They had been repeatedly requested to furnish us with Instructions; they had promised us Instructions; and many laboured Plans, accompanied by every official Light that could be thrown on them, had been offered to their Choice. How then could the Board have formed the new Settlement, without waiting for the Authority which they had solicited, and expected as their indispensable Guide?

Governor General's Minute in Reply to General Clavering's, of the 11th Instant.

That Authority is now arrived, and is contained in the General Letter by the Egmont, which was not communicated to this Department till the 11th Instant.

The Court of Directors, when they framed these Orders, could not possibly have suspected that a Settlement would be formed before their Orders were received; for they have made no Provision for such an Event, nor intimated their Apprehension of it. They knew that their Letter, which was not dispatched till the End of December, could not well be received before the Month of July following; nor could they expect the Orders which it contained to be carried into Execution before they were received, which they must have been, had the Settlement been formed in the Manner prescribed by them before the Commencement of the new Year.

Whatever, therefore, may be the Effects of a late Settlement, I am no more accountable for it than I am for that of an Annual One, both equally depending on the Company's Orders.

I now submit to the Board, a Plan for the Settlement of this Year, formed on the present Disposition of the Lands and the Orders of the Company. I hope it will receive the Correction of the Board, to which I shall gladly assent, or even yield most cheerfully to any other Mode of Settlement which may be suggested, if it shall be more conformable to those Orders, and reducible to Practice.

(Signed) Warren Hastings.

### P L A N.

1st. That such Lands as are now in Charge of the Zemindars be left under their Management; if they will consent to hold them on the Jumma and Kistbundee of last Year.

Governor General's Plan of Settlement.

2d. That such Lands as are now in Charge of the Zemindars be left under their Management, although they shall refuse to hold them on the Jumma and Kistbundee of last Year, if they will consent to hold them for such a Rent as the Provincial Council of the Division to which they belong shall judge adequate to their real Worth.

3d. That no Malzamin or Security shall be exacted for such Lands as have been let in the Manner directed in the preceding Articles, which are either the entire Portions of single Zemindars, or being Divisions of a Zemindarry are so considerable as to have been let separately to the Proprietors, or being the Property of many Zemindars, who possess them in common and undivided, the Produce only being shared between them, have been let to all the Copartners, but the sole Management and direct Responsibility consigned by their Consent, expressed in their Cabooleat, to one of the Copartners.

4th. That for all Lands let to the Zemindars as above-directed, it be expressly stipulated in their Cabooleats, that in case of their falling in Arrears, they shall be liable to be dispossessed, and that their Zemindarries, or Portions of them, shall be sold to make up the Deficiency.

5th. That such Zemindarries as belong to many Proprietors in distinct Divisions or Shares, may be let in farm in the Manner hereafter mentioned, with this special Condition, that the Farmers shall exact the Rents due from the Zemindars or Talookdars; but shall not dispossess them or interfere in their respective Collections, without the Sanction of the Provincial Council of the Division to which they belong; which shall only be granted in the Case of their falling in Arrears.

6th. That if the Copartners of a Zemindarry cannot be induced to delegate the Charge of their

Zemindarry to one of their Number, as provided in the Third Article, a Malzamin or Security be accepted in lieu thereof; but the Conditions of the Lease shall be the same as are expressed in the Third Article.

7th. That the Provincial Councils shall be directed to advertise for sealed Proposals to farm, this Year only, all such Lands as are not described in the preceding Articles; (that is to say, all such Lands as are at present under Charge of Zemindars who shall refuse to retain them on the Terms prescribed in the Two First Articles, or which are at present under Charge of the Naib Dewans of Se-zawels or Etmaundars) that the Advertisements be immediately published; that they shall express the Names of the Purgunnahs or other Divisions constituting each respective Farm; that they shall fix a Day for receiving the Proposals, not exceeding Twenty Days from the Publication; that they shall express, that the Farms shall be granted to those Persons who shall offer the most advantageous Terms, provided they are Men of Substance, and Residents of the District in which the Farms are situated; and that every Farmer shall give such Security for the Performance of his Engagements as the Provincial Council shall judge sufficient.

8th. That the Provincial Councils be directed to let the Salt Mahls in like Manner on the most advantageous Terms, with the Exception mentioned in the following Article, for a Ready Money Rent, including Duties; the Salt to be left to the Disposal of the Farmers; that no Advances shall be made to them by Government; and that they shall not make any Claims for Balances after the Expiration of their Leases.

9th. That a Preference be given to such Zemindars or Farmers as are willing to take the Salt Mahls lying within the Limits of their respective Farms, even though the Terms offered by them should be considerably lower than those of others.

10th. That the Provincial Councils shall be authorized and directed to receive Caboolets from the Zemindars and Farmers to whom the Lands shall be let in any of the preceding Modes, and to put them in immediate Possession, transmitting the Aumul-Namas for the Sanction and Ratification of the Governor General and Council.

11th. That all the Aumeens now in Office be directed to repair immediately with their Accounts to the Sudder Cutcherries of the respective Divisions in which they are employed to attend on the Provincial Councils, and furnish them with such Materials and Informations as may be required for the Formation of the Settlement.

Mr. Francis's  
Opinion.

Mr. Francis—By the 1st and 2d Propositions, of leaving the Lands under the Management of the Zemindars, I understand, that all the Zemindars are meant, except those of the Twenty-four Purgunnahs. I do not think it necessary to make any particular Remarks on the Governor's Plan; he is now in Possession of the Opinion of every Member of the Board, and it is Time to come to a Determination to carry it into Execution. For this Purpose, I would beg Leave to recommend it to him to take into his Consideration the Minute delivered in by Sir John Clavering and myself, and to adopt or unite with his own Plan such Parts of it as he may think advisable: I shall make no further Exceptions.

Governor General's  
Reply.

Governor General—No Alteration immediately occurs to me as necessary to be made to the Plan. I will revise it at my Leisure, with the Minute delivered by Sir John Clavering and Mr. Francis, and if any Corrections shall appear to me necessary to make it more conformable to the latter, I will propose it; in the mean Time as the Delay of a single Day may be productive of bad Consequences, I hope the Board will agree to circulate this Plan to the Provincial Councils, with a Letter directing them to conform to it, and without Loss of Time to enter on the Business of the new Settlement.

His Proposition.

Mr. Francis—I agree.

Sir John Clavering's  
Opinion.

General Sir John Clavering—Understanding with Mr. Francis that the 1st and 2d Proposition, of the Governor General's Minute, do mean to comprehend all the Zemindars without Distinction, excepting those of the Twenty-four Purgunnahs, I shall acquiesce to whatever Mode the Governor General may think proper to adopt, whether that of his own Plan, or as it is proposed to be qualified in the Minute delivered in by Mr. Francis and myself, leaving the Responsibility of the Variation with the Governor General. The Trust that will be reposed in the Provincial Councils, by the discretionary Power proposed to be given to them, to accept or refuse the Offers of the Zemindars, is greater than my Confidence in them would have allowed on a less pressing Occasion. The Inconvenience that may attend the Abuse of this Trust, would have been in a great Measure obviated, had they complied with the peremptory Orders of the Board, in transmitting to us an Estimate of the Value of the several Purgunnahs, in the same Manner that has been done by the Council of Dinagapore.

Resolution,  
and

Agreed that the following Letter be circulated to all the Provincial Councils and Collectors, except to Ramgur and Patna.

## A P P E N D I X, N° 15, 16.

To the Provincial Councils and Collectors, except Ramgur and Patna.

Circular Letter.

Enclosed we transmit you the Copy of a Plan on which we have determined to form the Settlement for the current Year: We direct you therefore to conform to it, and without Loss of Time to enter on the Business of the new Settlement.

We are, &c.

Fort William,  
16th July 1777:

## A P P E N D I X, N° 16.

Extract of a Letter from the Governor General and Council to the Court of Directors, in their Revenue Department, dated 18th November 1777.

Par. 1st. **WE** have had the Honour to forward to you by so many Conveyances, our Proceedings in this Department from the 20th to the 25th June inclusive, that we doubt not they will have come to your Hands before the Receipt of these Dispatches.

2d. We herewith transmit you our broken Set of Proceedings from the 4th of April last to the 4th Instant inclusive.

### SETTLEMENT and AUMEENS.

Conf. 4th April.

3d. From the several Minutes and Proceedings which accompanied our Letter of the 31st March, you will have been informed of our separate Opinions on the Mode which might be adopted for the future Settlement of the Lands of this Province.

4th. The Estimate of the Amount which each Purgunnah or other distinct Mahl is capable of, from a fair and equitable Collection of the Rents, as received from the Provincial Councils, with their Opinion on the Amount to be fixed for the future Leases, required by our Orders of the 3d August 1776 is entered on the Consultations noted in the Margin.

1st August, Dacca,  
2d May, Dinagore,  
1st August, Moorshedabad,  
12th Decr, Calcutta Com  
4th April.

5th. The Opinions of the Provincial Councils having been received on our Resolution to recall the Farmers from the Districts where the Bengal Year was expired; we immediately proceeded to the Arrangements which might be necessary to be formed thereon.

6th. We resolved to recall all the Farmers on the 13th April, and to put the Districts under the Charge and Management of the respective Proprietors, where they were capable, having previously taken from them a Muchulca, or Obligation to collect the current Revenues agreeably to Custom, and to keep the Amount in Trust, and to obey such Orders as might hereafter be issued, and to be accountable for any Neglect in the Business of the Collections. Where the Zemindars were incapable of managing, we directed that their Lands should be placed under the Management of the inferior Provincial Dewans, or to appoint Sezawuls where they might judge it necessary; but in every such Instance, they were particularly entrusted to describe exactly the State of the Zemindar, constituting the supposed Incapacity to manage the Lands.

4th April.

7th. On the 15th July we took under Consideration the Orders contained in the 41st, 42d, 43d, 44th, and 76th Paragraphs of your Letter of the 24th of December last by the Egmont; and the following Day delivered our Opinions on the Subject of the Settlement of the Lands for the current Year.

11th July. Sir John Cla  
Minute.  
— Gov. General's A  
22d. Sir John Claveris  
— Governor Gener  
— Sir John Claver

8th. The Sentiments of the several Members of the Board nearly agreeing with those which the Governor General had prepared, he submitted to us a Plan, formed on the Disposition of the Lands at that Time and your Orders. We accordingly resolved that such Lands as were then in Charge of the Zemindars, should be left under their Management, if they would consent to hold them on the Jumma and Kistbundee of last Year.

15th July.  
16th July. Sir John  
imp's and Mr. Francis's  
Accounts referred to in  
above Minute. Appen  
July.  
Governor General's B  
16th July.

9th. That such Lands as were in Charge of the Zemindars should be left under their Management, although they should refuse to hold them on the Jumma and Kistbundee of last Year, if they would consent to hold them for such a Rent as the Provincial Council of the Division to which they belong should judge adequate to their real Worth.

10th. That no Malzamin or Security should be exacted from such Lands as have been let in the Manner directed in the preceding Articles, which are either the entire Portions of single Zemindars, or, being Divisions of a Zemindarry, are so considerable as to have been let separately to the Proprietors, or being the Property of many Zemindars who possess them in common and undivided, the

Produce



Produce only being shared between them, had been let to all the Copartners, but the sole Management and direct Responsibility consigned, by their Consent expressed in their Cabooleat, to one of the Copartners.

11th. That for all Lands let to the Zemindars as above directed, it should be expressly stipulated in their Cabooleats, that in case of their falling in Arrears they should be liable to be dispossessed, and that their Zemindaries, or Portions of them, should be sold to make up the Deficiency.

12th. That such Zemindaries as belong to many Proprietors, in distinct Divisions or Shares, might be let in Farm in the Manner hereafter mentioned, with this especial Condition, that the Farmers should exact the Rents due from the Zemindars or Talookdars, but should not dispossess them, or interfere in their respective Collections, without the Sanction of the Provincial Council of the Division to which they belong, which should only be granted in the Case of their falling in Arrears.

13th. That if the Copartners of a Zemindary could not be induced to delegate the Charge of their Zemindary to one of their Number, as provided in the Third Article, a Malzamin or Security should be accepted in lieu thereof, but the Conditions of the Lease should be the same as expressed in the Third Article.

14th. That the Provincial Councils should be directed to advertise for sealed Proposals to farm, this Year only, all such Lands as were then under Charge of Zemindars who should refuse to retain them on the Terms prescribed in the Two First Articles, or which were then under Charge of Naib Dewans of Sezawuls, or Etmaumdars; that the Advertisement should be immediately published; that they should express the Names of the Purgunnahs or Divisions constituting each respective Farm; that they should fix a Day for receiving the Proposals, not exceeding Twenty Days from the Publication; that they should express, that the Farms should be granted to those Persons who should offer the most advantageous Terms, provided they are Men of Substance, and Residents of the District in which the Farms were situated; and that every Farmer should give such Security for the Performance of his Engagements as the Provincial Council should judge sufficient.

15th. That the Provincial Councils should let the Salt Mahls in like Manner on the most advantageous Terms, with the Exception mentioned in the following Articles, for a Ready Money Rent, including Duties; the Salt to be left to the Disposal of the Farmers; that no Advances should be made to them by Government; and that they should not make any Claims for Balances after the Expiration of their Leases.

16th. That a Preference should be given to such Zemindars or Farmers as were willing to take the Salt Mahls lying within the Limits of their respective Farms, even though the Terms offered by them should be considerably lower than those of others.

17th. That the Provincial Council should receive Cabooleats from the Zemindars and Farmers to whom the Lands should be let in any of the preceding Modes, and put them in immediate Possession, transmitting the Aumulnamas for the Sanction and Ratification of the Governor General and Council.

18th. That all the Aumeens then in Office should repair immediately with their Accounts to the Sudder Cutcheries of the respective Divisions in which they were employed, to attend on the Provincial Councils, and furnish them with such Materials and Information as might be required for the Formation of the Settlement.

19th. We received your Orders per Europa on the 26th July; and as, from the 8th, 9th, and 10th Paragraphs of your Letter, it was evident that your Intentions were to afford an Indulgence to the Zemindars, and Relief to the Country, we immediately directed the Provincial Councils to form their Computation of the real Value of the Lands by the Medium Amount of the Nett Collections of the Years 1180, 1181, and 1182 (that is, the Sum actually received into the Treasury, exclusive of the Provision made for the Charges, Collection, and the Zemindars Subsistence) and make that the Standard of the next Jumma of the new Settlement, the same Amount to be received into the Treasury.

20th. It will not be in our Power to forward to you the general Account Settlement for the current Year, until the future Dispatches of the Season; but we have the Pleasure to acquaint you, that the Settlement is formed for most of the Districts, and has received our Confirmation.

21. Having directed the Superintendent of the Khalsa Records to prepare Drafts of the Deeds to be granted to the Zemindars and Farmers, formed from those of the Committee of Circuit, and that granted to the Rajah of Burdwan, and the Orders received from you, with such Alterations or Additions as might appear necessary, on consulting with the Officers of the Khalsa, he delivered in his Report thereon; and having passed our Resolutions on the several Articles, we directed them to be prepared and drawn out, as entered at large in our Proceedings of the 5th September.

22d. As the Business of the Hushabood was not yet finished, and the Accounts were likely to prove of more Utility whenever a permanent Settlement should be formed, than the present; and as by the Orders of the 29th July, the Hushabood Papers could be no longer of any Use to the Provincial Councils in forming the Settlement for the current Year, we directed the native Aumeens to return to Calcutta with their Papers; and we have the Honour to forward to you, a Number in the Packet, a Copy of the several Accounts which have been prepared and submitted to us by the Superintendants of the Aumeeny Office.

23d. We beg Leave to refer you to the Proceedings for our several Debates, regarding the Aumeens and this Office. The Mofussil Establishment was reduced the 5th of August, but the Office at the Presidency, which is employed in compiling and digesting the Accounts which were furnished by

pt. Dacca.  
ept. Accountant's Letter.  
Answer.  
Calcutta Committee  
Letter.  
Answer.  
A. Dinagore.  
Accountant's Letter.  
Bengal Letter.  
Rajmahal Letter.  
Accountant's Letter.  
ept. }  
in. } Moorshedabad.  
22d August.

ly. Circular Letter.

arch. Dacca Letter.  
ril. General Clavering's  
on.  
ly. Dacca Letter.  
ly. Sir John Clavering's  
ste on Accountant's  
rt.

## A P P E N D I X, N<sup>o</sup> 16.

by the Aumeens, still remains, and will be kept up till those Accounts are completed, which we hope will be done in the Course of Two Months. 7th Oct. Mr. Frazer's Minute.

### B A L A N C E S.

24th. Finding it necessary that some Means should be taken for the speedy Adjustment of the Balances or Arrears of Rent which were outstanding from the respective Landholders at the Close of the last Year, and having been furnished with your general Instructions on this Subject, in the 43d Paragraph of your General Letter by the Egmont, we delivered in our separate Opinions thereon, on the 22d July, and directed the Provincial Councils to exert themselves in enforcing Payment of the Arrears of Revenue due from the last Year (1183) and not to receive Proposals for farming from any Man not a Zemindar, until he should have paid up his Balances and adjusted his Accounts for the last Five Years. 22d July.

25th. We have also directed them to draw out separate States of the Balances outstanding on Account of the Revenue, of the Years 1179, 1180, 1181, 1182 and 1183, specifying the Names of the Persons from whom they are due, their Pleas of Remissions, and their own Opinion on the Justness of the Pleas, with References to all the former Proceedings on the Subject, and their final Judgment of the Amount justly due from each Person; accompanied with an Account of the Circumstances of the Farmers and their Securities, so as to distinguish such Part of the Balance as may be recoverable, of which Payment might be enforced from such as are irrecoverable and ought to be remitted, conformably to your Orders above-mentioned, and we have directed them to set apart the necessary Time every Week, and to transmit their separate Proceedings regarding them as soon as possible for our Determination. Ditto.

26th. We hope shortly after the present Dispatch, to receive the Proceedings of the Provincial Councils, and to be able to decide upon them.

### M O O R S H E D A B A D.

27th. We have the Pleasure to acquaint you, that the Amount Settlement for this Division has been nearly realized, but that all Endeavours to recover the Balances of former Years have been ineffectual.

28th. Accompanying the Letter from Moorsheadabad of the 8th May, you will find an Explanation of the Balances outstanding for the last Year. The Zemindar of Rajeshahy presented us Claims for Deductions, amounting to 53,547 Rupees; which from the Explanation of this Council, we have deemed inadmissible, except the Sum of 25,000 Rupees, which we unanimously resolved to allow her, in Liquidation of her Balances, and in lieu of all Demands for Remissions for the last Year. 20th May,  
29th April,  
29th April,  
Vide Debates.

29th. The Farmer of Jehanguirpore, Hattinda, and Mancore, is in Balance Rupees 80,968. 7. but in Opposition to this Claim he states a Demand on Account of Syer Cheluntah, Bazey Jumma, and Moracha, of 1,21,305 Rupees. 29th April.

30th. Before the Formation of the Settlement of the Lands of Bengal in the Year 1179, the Committee of Circuit resolved on the Substraction of sundry Taxes from the Public Revenue, which were considered by them as impolitic and oppressive: These were comprehended under the following Names, 10th to 28th June 1779  
Vide Kirknagar Committee of Circuit Proceedings, Committee of Circuit at Cossimbuzar

Bazey Jumma, or Fines, &c.

Syer Cheluntah, or Duties exacted on Goods passing at the Zemindarry Chokies.

Marocha, }  
Holdary, } Or Taxes on Marriage.

And it was advertised, that these Taxes should be deducted from the Jumma of the preceding Year, which was made the Ground-work on which the Proposals for the Five Years Leases were to be formed, so that neither the Farmers should pay the Amount of those Taxes to Government, nor be allowed to levy them on the People. In some Instances, the Amount of the Collections made for these Taxes in the Year 1178, was ascertained, and the Deductions were made from the Jumma of the Year for the immediate Inspection of those who were desirous of becoming Farmers of the Lands, and made their Proposals accordingly; but in many Districts this was impracticable, and it was left to make the Deductions after the Leases had been granted. The present Claim is to be allowed those Deductions, and the Question is, whether such of the Zemindars and Farmers as have Claims to the Deduction of the Amount of these Taxes from their respective annual Engagements, shall be allowed the same, or whether they shall be bound to pay the specific Sums written in their Cabbuleats?

31st. The Council of Moorsheadabad say, the Zemindar of Jehanguirpore, Hattinda, &c. certainly has a Claim on these Accounts, and that he has preferred it regularly from the first Year of his Lease to the present Time. We could not however agree on a Decision of this Claim, and consented that it should remain suspended for your final Decision; but that the Matter should be discussed and concluded, as far as may be done by this Government, with such Reservation as may allow your Approbation or Disapprobation to operate upon the Decision. We have accordingly directed this Council 20th May. Letter to Moorsheadabad.

## A P P E N D I X; N° 16, 17.

25 October.

to transmit to us the Proofs that in the Settlement made of Jehangirpore, &c. no Deductions were made for the Articles of Syer Cheluntah, Bazee Jumma, and Marocha; and to call upon the Farmer to prove that he was promised a Deduction, when the Amount of the Sum usually collected on those Articles could be ascertained. Their Answer, with the late Collector's Letter on the Subject, is entered on our Proceedings of the 7th October; and we have the Honour to submit to you a complete Copy of our Proceedings on this Claim, for your Judgment.

## A P P E N D I X, N° 17.

Extract of the Proceedings of the Governor General and Council, in their Revenue Department, of the 5th May 1775.

THE Secretary lays before the Board the Translations of Three Petitions of Cumal ul dien Cawn, which accompanied Mr. Joseph Fowke's Letter of the 25th April, entered in Consultation of the 25th April.

Translation of the Petition of Cumal ul Dien Khaun, Farmer, of the Hidgelee District.

About the End of the Month of Mang, of the Year 1181, Veylaytee, the Committee on the Part of the Company, let all the Tekah Collaries of the Purgunnahs of Kairoomall, &c. Motchf-amootah, &c. and Doorudumna, &c. Farm, to me, upon an Agreement of my engaging to provide a Lack of Maunds at the Rate of 100 Silver Rupees per Maund, to be delivered in Two different Payments. I received in Consequence 60,500 Rupees from the Committee in advance; out of which Sum, Dewan Gonga Govind collusively took 26,000 Rupees, engaging, in Consideration thereof, to cause whatever Quantity I could provide above the Lack of Maunds, to be passed, which I might sell wherever I chose for my own Advantage. Gonga Govind having made this Agreement with me, accordingly received the Sum of 15,000 in Gold Mohurs at One Time, in Part of it; but in the Month of Iyle, upon my applying to him to pass some Salt, he refused it, and notwithstanding exacted from me the remaining 11,000 Rupees, being the Balance due upon the above mentioned Agreement. Being thus rendered unable to complete the Advances to my People, they have set up a Claim against me, and now want to complain upon me to the Council. I have earnestly supplicated Gonga Govind upon the Subject, begging him, as I am a poor Man, and not able to afford to pay the above Sum, that he will relieve me from it; but he unjustly paid no Attention to what I said. Where have I this Money to pay? I am hopeful that you will be pleased to call Gonga Govind before you, and cause him to refund what he received from me, with Interest.

A true Translation.

(Signed) W. Chalmers,  
P<sup>a</sup> Translator to the Khalsa.

Ordered, That Cumal ul dien Cawn be required to attend the Board.

Cumal ul dien Cawn being called before the Board, is questioned as follows:

Ques. Do you acknowledge these Three Petitions to be yours?

[Shewing him the Persian Petitions which accompanied Mr. Fowke's Letter.]

Ans. Yes—I gave them in, and hope for Justice—I only desired that this One (being the Arzee containing the Complaint against Mr. Archdeacon) might be delivered to the Board, but the other Two I desired Rada Churn would keep in his own Hands.

Ques. With what Intention did you deliver those Papers to Rada Churn?—

Mr. Francis moves, That Cumal ul Dien may be asked, if he has any Objections to swear to the Truth of the Three Petitions?

Mr. Barwell—I think he ought not to be sworn to any Petition unless the one he intends to prosecute.

The Honourable Mr. Monson—I think he may be asked if he is willing to swear or not.

General Clavering—I think he ought to be asked, whether he chuses to be sworn; because I cannot conceive that having written and signed the Three Petitions, and now acknowledged them all

# A P P E N D I X, N<sup>o</sup> 17.

to be his, he did not intend to present them all to this Board; however, he may have been since warped from his original Intention by designing People, who for Purposes of their own, do not chuse that an Accusation of direct Corruption should be preferred against Gonga Govind Sing, the Dewan of the Provincial Council of Calcutta.

Governor General—I object to his being put to his Oath with respect to the Two Petitions which he declares he had no Intention of delivering to the Board. I see an Impropriety of swearing him to the Truth of the other Petition, because it has the Appearance of aiming at some partial Object; there being no Rule or Order of the Board, which requires that all Persons presenting Petitions should swear to the Contents of them; but I do not object to his swearing to the Petition he presents.

Mr. Francis—I beg Leave to observe, that Cumal ul dien Cawn, when he acknowledged the Petitions, said, I gave them in, and hope for Justice.—They contain Charges which I presume ought to be examined by this Board, and I conceive that the First Step to our doing him that Justice, which he says he hopes for, is, that he should give such Authenticity to the Papers signed and sealed by himself, as depends upon his Deposition.—He is at Liberty to decline taking the Oath if he thinks proper.

Resolved, That he be asked, if he has any Objection to swear to the Truth of the Three Petitions now shewn to him.

Ans. I only deposited those Two (shewing them)

The above Question repeated to Cumal ul dien Cawn;

Ans. I will swear to the Truth of this one (meaning the Petition against Mr. Archdeacon;) as to the other Two, I did not give them with an Intention of complaining; I only put them into Rada Churn's Hands, that he might inform the Maha Rajah of them, that the Matter might be amicably adjusted with Gonga Govind Sing upon Sudder ul Dien's Arrival, in which Case I would withdraw them; that I could in that Case give 4,000 Rupees to the Maha Rajah, and 2,000 Rupees to Rada Churn.—If it could not be settled in this Manner, I would then complain to Government.

Ques. Are the Contents of those Two Arzees true or false?

Governor General—I must beg Leave to enter my Objection to this Question.

Ans. They are true; but I only deposited them in Rada Churn's Hands.

General Clavering—I move that Rada Churn, and Gonga Govind Sing, may be directed to attend the next Meeting of this Board.

Agreed to; and Ordered, That the Secretary do summon them accordingly.

Extract of the Proceedings of the Governor General and Council, in their Revenue Department, of the 9th May 1775.

Resolved, That Rada Churn be called in, and seated.

He is accordingly called in, seated, and questioned as follows:

Ques. From whom did you receive these Petitions?

[Shewing him the Three Persian Petitions accompanying Mr. Fowke's Letter of the 25th, and entered in Consultations the 25th April]

Ans. They were either given in to Mr. Fowke or to me; I don't recollect which, as Cumal ul Dien wrote a great many Arzees, some of which he put into my Hands, and some into Mr. Fowke's.

General's Ques. Were they written in your Presence?

Ans. No: He brought them ready written.

Ques. Was the Seal upon them when they were delivered to you?

Ans. They were also sealed when he brought them.

Ques. Was Mr. Fowke with you when he brought them?

Ans. If Mr. Fowke happened to be at Home when Cumal ul dien Cawn called, he received the Arzees; if he was not at Home he waited till he came.

Question repeated.

Ans. He brought at different Times to Mr. Fowke's House to the Number of Six, among which Numbers were those Three, and I don't exactly remember whether he delivered those Three at One Time, or at different Times.

Ques. What did Cumal ul Dien say to you when he delivered the Two Arzees complaining of Gonga Govind Sing?

Ans. That having recovered the Money he might be enabled to make the Advances to the Molungees.

Governor General's Ques. Did Cumal ul Dien desire you to present those Arzees to the Council, or to keep those as a Deposit?

Ans. To lay them before the Council.

General's Ques. Are you sure he did not desire you to keep them as a Deposit?

Ans. Yes.

Governor

# A P P E N D I X, N<sup>o</sup> 17.

Governor General. Did he desire that all the Three Arzees might be delivered to the Board?

Ans. Yes.

(Rada Churn withdraws.)

Gunga Govind Sing being called in, is informed that there are Two Petitions before the Board, signed by Cumal ul dien Cawn, complaining of him; both of which Cumal ul dien Cawn says are true.

[He is desired to read them]

General's Quef. Are the Contents of them true or false?

Ans. If you will demand of me the Particulars I can reply to them.

Quef. Cumal ul Dien alledges, that out of 46,500 Rupees advanced to him on Account of his Salt Contract with the Company, that you collusively took from him 26,000 Rupees; viz. 15,000 paid you in Gold Mohurs in the Month of Jeyl 1181, and 11,000 Rupees afterwards—Is this true?

Ans. It is false that I took those Sums collusively from Cumal ul Dien.

Quef. Did you receive the Money?

Ans. I did not take this Money myself; if you demand of me the Particulars I will relate them.

Quef. Who did take that Money?

Ans. Cumal ul Dien has charged me in his Petition with receiving collusively from him, at Two different Periods, the Sum of 26,000 Rupees; to which my Answer is required, and is as follows:— I never took any Money from him; let him prove the Claim he advances against me, and I shall then be in the highest Degree culpable; and the Gentlemen of Council being my Masters, are at Liberty to do with me as they please.—This is all I know regarding the above Money; namely, that when Cumal ul Dien took the Mahal from under the Management of the Under Farmer into his own Hands, he gave a Chelan for 14,000 Rupees in Part of the Balances of the Year 1180; but when the Time of Payment came, wanted that it should be discharged by Bussant Roy, and made Disputes about it; in consequence of which I took 12,000 Rupees, in Part Payment of it; from his Advances, and 2,000 Rupees on Account of Money due to Mr. Dacres; afterwards I took 9,379 Rupees more from his Advances on Account of the Revenue. The above making altogether 23,000 and odd Rupees, was taken without his Consent; but as to the Difference between this Sum and that mentioned by him, I cannot say any Thing, before I know from himself, and from examining my Hopes on what Account it is charged.

General Clavering—I propose that Gunga Govind Sing may be asked if he is willing to swear to the Truth of this Answer.

Mr. Francis, } agree to the Proposition.

Mr. Monfön, }

Governor General—I object to it, because I think it irregular to swear any Person with respect to Charges against himself.

Resolution, That he be called in, and asked, If he is willing to swear to the Truth of the Answer he has given in.

He answers—Let the Person who complains against me swear to the Truth of the Charges against me; a Defendant is put to his Oath when an Examination takes place, and both Parties are interrogated. The Gentlemen having been pleased to appoint me to an exalted Station, if they make me take my Oath, it will reflect greatly upon my Character.

General Clavering—Question. How much is due from Cumal ul Dien to the Company, on Account of his Salt Contracts; and his Land Farms?

Total Balance of Salt Farms, due by Cumal ul dien Cawn, on Account of	}	1,47,870 12 16
the Years 1180 and 1181, Velayetic — — — —		
Total Balance of Land Farms due by him, being the Demand against him	}	29,781 7 12
to the End of Bhadoon — — — —		

(Gunga Govind Sing withdraws.)

Ordered, He do attend next Friday.

# A P P E N D I X, N<sup>o</sup> 17.

Extract of the Proceedings of the Governor General and Council, in their Revenue Department of the 12th May 1775.

At a Council, PRESENT,

The Honourable Warren Hastings, Governor General, President,  
The Honourable George Monson,  
Richard Barwell, } Esquires.  
Philip Francis, }

Questions to Gunga Govind Sing.

Question. Do you hold a Farm in the Province of Pachet?

Answer. I hold no Farm, but I hold Two or Three Villages on a Dewattur Footing, or religious Endowment, to defray the Expenses of a Temple.

Question. Do you hold them, or your Brother?

Answer. I do now that my Brother is dead; I derived them from my Brother.

Question. What Rent do you pay to Government for them?

Answer. Nothing.

Question. When were they granted to your Brother and to you?

Answer. I don't recollect; but if you chuse to order me, I can deliver in an Account of every Thing relating to them.

(He is ordered to deliver in an Account accordingly.)

Question. How many Years ago is it since your Brother received his Grant?

Answer. About Six or Seven Years ago, to the best of my Recollection.

Question. Was Mr. Graham Chief of Burdwan at that Time?

Answer. I cannot say.

(He is ordered to withdraw.)

Question put, Whether the Facts alleged by Comaul ul Dien, particularly that of his having taken 26,000 Rupees from him collusively, is ascertained by the Answer made to it by Gunga Govind Sing?

Mr. Francis—He has acknowledged his having deducted 23,379 Rupees, from the Advances made to Comal o' Dien, on Account of the Salt Farms. Admitting that this Money was applied to make good a former Balance on Account of Rents due from Cumal o' Dien Cawn, for a Land Farm (which I by no Means believe to be the Case) still, I conceive, that his withholding any Part of the Advances was unauthorized, and must be highly prejudicial to the Company's Interest, as it tends to destroy the Source of future Production of Revenue; and I see no Relation between Comal o' Dien's Engagements as a Salt Contractor, and his Lease as a Land Farmer. The Rent should have been exacted as the monthly Kists became due.

Mr. Barwell—The Land Revenue and Salt is different at Hidgilee from any other Part of Bengal, and have been united for Ages. Whether the Government obliges a Man to pay its Due, by compelling them out of his Hands, or by stopping a Payment to be made to such a Debtor, I can conceive it is the same, and that no Public Interest can be sacrificed by it. The Claims are mutual, one demands one Account, the other another; and if the Revenue runs behind Hand, as it appears it has done, I conceive Gunga Govind Sing fully acquitted of any Charge against him on this Account. But I do not understand the Petition before the Board in the Light of a Charge against Gunga Govind Sing. It is brought before us against the Inclination of the Petitioner, of the Person whose Name is annexed to it, and his declared Opposition to its being carried before the Board; to enter into an Enquiry, or to take up Complaints that are dropt in my Opinion, must needlessly engage the Time and Attention of the Board, as well as carry with it any Appearance of some partial Aim. The Board, by adopting the Petition in the Manner they have, make it in fact their own; and they are equally the Prosecutors and Deciders upon the Points; for the Man whose Name is written at the Foot of the Petition, has positively averred he has no Complaint to make, nor did he ever authorize the Presentation of the Petition to the Board.

Mr. Monson—Gunga Govind Sing acknowledges he has withheld upwards of 23,000 Rupees for Advances due to Comol o' Dien Cawn, on his Tekka Collares; which Sum, he says, was due to the Company from the Farmer for his Malguzary Rent. By his having transferred the Company's Property in this Manner from one Account to the other, in order to make the Balances appear less on the Revenue Department, and to encrease them on the Salt Farms, is subjecting the Company to certain Loss; for unless the Additions are regularly made to the Salt Farm, it is impossible for the Farmer to deliver the Quantity of Salt which he has contracted for; by which Means a considerable Deficiency is made in his Deliveries, on which the Company are considerable Losers, and the Balances are irrecoverable; as is now the Case, with the Renter being in Arrears to Government on his Salt Farm upwards of 1,47,000 Rupees, as appears by the Account sent in by the Calcutta Committee. I think this Proceeding of Gunga Govind Sing deserves Reprehension and Censure. With regard to the Petitions now before us, by which this Transaction is made known, I think they come in a regular



regular Method before the Board. Cumal o' Dien Cawn delivered them to the Person who sent them to the Board, with the Intention that they should come to the Knowledge of Government, as appears from the Evidence of Rada Churn, to whom he delivered them. The Motives that induced him to retract these Petitions, are best known to himself; but I have Reason to believe, that his Intentions were altered by having more flattering Prospects held out to him than the Recovery of so inconsiderable a Sum from Gongga Govind Sing.

General Clavering—I must confess I am very much distressed in forming my Opinion or Judgment on the Petition before us, and the Answer to it. The Petitioner Cumal o' Dien Cawn is a Man of desperate Fortune, whose Declaration before this Board has already been contradicted by Three positive Witnesses upon Oath. From the Accusations which he has separately brought against several Persons, and for some of which he is now bound over to prosecute at the next Assizes, it appears that he has changed his Profession from being a Salt Farmer to that of a more lucrative one, of becoming a public Accuser. With regard to what he has advanced against Gongga Govind Sing, I can therefore only admit it as far as it is confessed by the other Party; and as this Practice of deducting from the Advances of the Salt Farmers to benefit Persons in high Station in this Government, has been admitted, and proved by more than One Instance, I am rather inclinable to give him Credit for what he has therein said the most profligate Liars may sometimes speak the Truth. His Intention of presenting this Petition to the Board, has been confirmed by the Evidence of Rada Churn, and indeed it could not have been given to him for any other Purpose. On these Grounds I am of Opinion, that Gongga Govind Sing is guilty of the Charge brought against him.

Governor General—I do not understand that the Matter of the Petition in question has undergone such an Investigation as can enable the Board to pass any Judgment on the Charges contained in it.

Mr. Francis—I move that Gongga Govind Sing be dismissed from his Employment in the Company's Service. I pay little Regard to the Evidence of Cumal ul dien Caun: The Confession made by Gongga Govind Sing convicts him of a specific Offence, for which, in my Opinion, he ought to be dismissed from his Employment. His general Character, as I am well informed, is infamous in an uncommon Degree. That Reason alone, independant of any particular Charge, would induce me to exclude him from any Office of Trust in the Company's Service.

Mr. Barwell—During my long Residence in this Country, this is the First Time that I have heard the Character of Gongga Govind Sing being infamous. No Information I ever received, though I have heard many People speak ill of him, ever pointed to any particular Act of Infamy committed by Gongga Govind Sing. I have no intimate Knowledge of Gongga Govind Sing; what I understand of his Character has been from Natives as well as Europeans. I am against his Dismission.

Mr. Monson—Cumal o' dien Cawn I understand to be a Man of an equivocal Character; I therefore should not regard his Charge against Gongga Govind Sing, if I had not heard, since my short Residence in this Country, that Gongga Govind Sing is a Man of a most rapacious Disposition; which Character I think is confirmed by the Wealth and Affluence he now enjoys, being esteemed one of the most wealthy Inhabitants of Calcutta. I think a Person of an avaricious Disposition and high Ambition is not proper to be intrusted in the Company's Service, especially with that Degree of Influence which I am told he possesses over the Minds of many principal People in this Country. I therefore think he should be removed from his present Employment.

General Clavering—The Causes of the Decrease of the Revenue, and the great Increase of the Balances, I have endeavoured to account for in my Minute, on the Petition of the Rajah of Rajshahy. I should be wanting in the Performance of that Trust and Confidence which the Legislature placed in me when it appointed me one of the Council of Bengal, if I did not use my best Endeavours to remove those Causes to which the Company are to attribute the Loss they have sustained in the Revenue. A corrupt Dewan of the Province is the great Channel through which all those Evils have passed of which I have spoken; and I think it incumbent on me to declare, that in this Instance, and every other where I have either Proofs or Suspicion that a Dewan is corrupt, I will give my Vote to remove him. On the Evidence therefore before me, I think Gongga Govind Sing should be removed from his Place of Dewan of the Calcutta Provincial Council.

Governor General—I am against the Question, because I know of no Fault that he has committed, and have very good Reason to believe, that he by no Means merits the Character which has been reported of him to Mr. Francis. He had many Enemies at the Time that he was proposed to be employed in the Company's Service, and not one Advocate among the Natives who had immediate Access to myself; I think therefore if his Character had been such as has been described, the Knowledge of it could hardly have failed to have been ascertained to me by the specific Facts. I have heard him loaded, as I have many others, with general Reproaches, but have never heard any one express a Doubt of his Abilities.

Resolved, That Gongga Govind Sing be dismissed from his Station of Naib Dewan to the Provincial Council of Calcutta, and that they be advised accordingly.

## A P P E N D I X, N<sup>o</sup> 18.

Extract of the General Letter from Bengal, in the Revenue Department, dated 3d November 1772.

**A**S the Administration of Justice and the Collection of the Revenue are by far the most important Objects of Government, they certainly claim the first Attention of your President and Council, especially at a Time when so many weighty Matters, intimately connected with them, are intrusted by you to our Investigation and Judgment, and when the State of the Country requires timely, well digested, and spirited Measures. While the controlling and executive Part of the Revenue, and the Correspondence with the Collectors was carried on by a Council at Moorshedabad, the Members of your Administration had not an Opportunity of acquiring that thorough and comprehensive Knowledge of the Revenue, which can only result from practical Experience; but as your late Orders tend to establish a new System, enjoin many new Regulations and Enquiries, which could not properly be delegated to a subordinate Council; it became absolutely necessary that the Business of the Revenue should be conducted under our immediate Observation and Direction.





S E V E N T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXIII.



---

---

S E V E N T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE, &c.

---

The Select Committee appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

HAVING, in the last Session of Parliament, made a Report to the House, of the Conduct of Lawrence Sullivan, Esquire, the then Chairman of the East India Company; and on the same being taken into Consideration by a Committee of the whole House, the said Committee came to sundry Resolutions; which Resolutions were afterwards, upon the Consideration of the Report thereof, agreed to by the House.

When Your Committee made that Report to the House on which those Resolutions were grounded, they were not then fully informed of the Extent of Mr. Sullivan's Neglect of his Duty as Chairman of the Court of Directors, nor of his Disrespect to a Committee of this House, in not only restraining Mr. Wilks, under Pretence of an Oath of Secrecy, from giving full Evidence to Your Committee, but limiting him to give such Evidence as must mislead Your Committee in a very essential Point of their Enquiry, and which in consequence induced them to make a Report to this House, very different from that which they should have made, but for such a Deception.

Your Committee beg Leave to observe to the House, That Twenty Months being elapsed since the Judicature Act was passed, and no Advice of its Promulgation in India having arrived, although Evidence had been given of its being sent on the 3d of August 1781; Your Committee thought it highly necessary to examine more minutely into all the Circumstances of the Transmission of that Act, by the Dispatch of the 3d of August; more particularly as the Evidence which had been given of this Dispatch, was very far from being satisfactory to Your Committee at the Time when it was given.

Your Committee directed the Secretary to the Committee of Secrecy at the India House, to lay before them, the Proceedings of the Secret Committee respecting the Dispatch of the 3d of August 1781.

Mr. Samuel Johnson, the present Clerk to the Committee of Secrecy, attending, according to Order, produced to Your Committee the following Extract, made by him from the Committee Book, of the Proceedings of the Secret Committee respecting the Dispatch of the 3d of August 1781:



" On the 27th July 1781, Lord Sandwich informed the Chairman, that Two Ships of the Line would depart for India in a few Days.

" On the 1st of August a Letter was signed by the Chairman (the Deputy Chairman being absent) to Warren Hastings, Esquire, Governor General of Bengal, which contained the following Paragraphs :

" On the Ship Deptford<sup>a</sup> was forwarded a Copy of the Report and Appendixes of the Select Committee, respecting the Bengal Judicature ; we now send another Copy of that Report, and of the Act passed, for your further Information."

" An Act of Parliament having also passed during the last Session; by which the Company's Charter has been prolonged for Ten Years, we transmit you Copy thereof, for your Information and Guidance, and enjoin strict Attention and Obedience thereto."

" On the Minutes of the Secret Committee of this Day, is the following Nota Bene :

" N. B. In the Duplicate Packet, dispatched to the Care of Philip Stephens, Esquire, 3d August 1781, Copies of Two Acts of Parliament were sent, but not in the Original, as they could not be procured in Time, the Regulating Act not being printed."

" Signed

" S. Wilks."

" The Packet of the 1st of August being closed, was delivered on the same Day by Mr. Wilks to One of the Clerks at the Admiralty, with a Note from the Chairman and Deputy Chairman to Mr. Stephens, requesting him to forward it by the First Opportunity.

" On the 3d of August, a Duplicate of the Packet of the 1st being prepared, the same was delivered at the Admiralty by Mr. Wilks, with a similar Note from the Chairman and Deputy Chairman to Mr. Stephens.

" By the List of this Duplicate Packet, it appears that it contained among other Things, "Copies of Two Acts of Parliament respecting the Prolongation of the Company's Charter, and the Regulation of the Bengal Judicature."

" On the 4th of August, a Note was received by the Chairman and Deputy, from Mr. Stephens, desiring to know whether the Packet delivered to him on the 3d, was intended to be sent by One of the Ships now going out, or to be kept for the next Opportunity.

" To which the Chairman and Deputy replied, by a Note written the same Day, that it was intended that the Original and Duplicate should be sent by the Ships now going out ; the Original by one Ship, and the Duplicate by another.

" On the 21st of November, the following Minute appears upon the Proceedings of the Secret Committee :

" Received back the Two Packets of the 1st and 3d of August ; and, by Order of the Chairman and Deputy Chairman, wrote the following Letter to Mr. Stephens, transmitting, at the same Time, Three Enclosures to his Address :

" Sir,

" In Obedience to your Commands, signified to Mr. Richard Owen, I beg Leave to inclose Three Paper Packets to your Address, received this Day, with Two returned Packets, marked "W†R†T." which were delivered to you, by Order of the Chairman and Deputy Chairman of the East India Company, the 1st and 3d of August last.

I have the Honour to be, very respectfully,

S I R,

" East India House,

" 21st Nov' 1781.

Your most obedient, and most

humble Servant,

(Signed) S. Wilks.

" Philip Stephens, Esq'.

" The Clerk requesting Instruction respecting the private Letters which were, by Permission of the Chairman and Deputy Chairman, transmitted with their Packets of the 1st and 3d August, it was ordered, that Care be taken to send all such Letters, and the Packet, by the First Sea Conveyance."

" On the 4th of January 1782, the Chairman and Deputy Chairman signed a Letter to the Governor General of Bengal, which went by the Tryal Schooner ; an Extract of which is as follows :

<sup>a</sup> The Deptford sailed from Portsmouth 11th June 1781.

<sup>b</sup> In the Minutes of the 4th of August is the following Nota Bene :

" N. B. It was understood by the Chairman and Deputy Chairman, that the Captains of the Ships were not to be made acquainted with their real Destination at the Time of sailing ; therefore Mr Stephens was desired to give such Instructions as he should think proper to insure the safe Delivery of the Packets committed to his Care."

- " Our Governor General and Council have been informed, by our Letter of the 8th Ultimo,  
 " that the Two Ships of the Line, which they had before been advised, would sail about  
 " August, were at Home; by those Ships we dispatched Two Transcripts of a Letter ad-  
 " dressed to you, dated the 1st of August.
- " We have no official Account of the Names of the Two Ships in question; but we believe  
 " them to have been the Agamemnon and Protheé. Some Time after those Ships had sailed,  
 " they returned back into Port; and the 21st of November were received back from Philip  
 " Stephens, Esq; the Packets which had been delivered to him to be forwarded to you. Copies  
 " of the First and Second Reports of the Committee of Secrecy, and of the Appendix to the  
 " Second Report, and of the Report of the Select Committee of the House of Commons, to-  
 " gether with Five Copies of an Act, passed in the last Session of Parliament, for Prolongation  
 " of the Company's Charter, and Five Copies of an Act for regulating the Bengal Judicature,  
 " passed likewise in the last Session, were Numbers in the Packets above mentioned.
- " It was no small Concern to us to find, by the Return of these Packets, that our Endeavours  
 " to communicate the above necessary Information to you so soon as possible, had been  
 " frustrated.
- " Two Copies of the Appendix to the First Report of the Committee of Secrecy having been  
 " sent on board the Tryal Schooner at the Close of August, in order to complete the Set  
 " proposed to be on board the Protheé, we now forward the Packet which has been re-  
 " ceived back from Mr. Stephens; which contains the Reports, and Appendix to the Second  
 " Report, and renders the Two Sets complete.
- " If this unforeseen Accident had not happened, the Act of Parliament which directs that the  
 " Patna Magistrates be discharged out of Prison, would probably have been in Bengal in all  
 " December at farthest; of course, the Native Magistrates, who had been imprisoned, would,  
 " before this Time, have been liberated: Our Governor General and Council, and all Persons  
 " acting under their Authority, would also have been relieved from the painful Apprehensions  
 " of Inconvenience, on Account of Resistance made to the Execution of the Decrees of the  
 " Supreme Court of Judicature. We can only repeat our extreme Concern at the un-  
 " fortunate Circumstance which has thus prevented the early Receipt of the Act of Parlia-  
 " ment at Fort William, and defeated our Intentions of affording you the necessary and  
 " most speedy Information, on the Points above mentioned, in the Manner and by the Con-  
 " veyances of Two Ships of the Line, which had been ordered to sail for India at the Close  
 " of July."

And Mr. Johnson being examined, he was asked, Whether there are any Documents on the Mi-  
 nutes of the Secret Committee, that shew when the Two Men of War failed? to which he said, No.—  
 Being asked, Whether there is any Period between the 1st of August and the 21st of November 1781,  
 at which it appears that they had not failed? he said, On the 6th of October the Secret Committee  
 submitted a Plan to the Consideration of the Earl of Sandwich, in which is the following Pro-  
 position:

" That His Majesty's Ships Agamemnon and Protheé, which are under Orders to proceed to  
 " India, shall sail to," &c. &c.

Being asked, By what Ship or Ships was the Judicature Act of Parliament, passed in the Session of 1781,  
 sent to India? he said, *per* Tryal, Worcester, Calcutta, and Alfred, which sailed in February 1782, and  
 by the Brilliant, which sailed in May 1782. The Judicature Act was sent on board the Tryal by the  
 Court of Directors, in a Dispatch of the 29th August 1781. The Tryal sailed from Galway the 4th  
 November 1781; put into Limerick, in Distress, the 7th November; sailed from thence 12th Februa-  
 ry 1782.—Being asked, What Dispatches were sent, by Land or Sea, from the 1st of August 1781 to  
 the 12th of February 1782, describe each, and the respective Times of their Departure? He said, The  
 Court of Directors Dispatches were as follow:

29th August 1781 }  
 1st January 1782 } *per* Tryal, sailed 12th February 1782  
 25th January }  
 29th D<sup>o</sup> — } *per* Worcester, sailed in February.  
 30th April—Brilliant, sailed in May.  
 18th June }  
 12th July } *per* several Ships, sailed in September.

The Secret Committee's Dispatches were as follow:

16th August }  
 30th D<sup>o</sup> — } *per* Tryal, sailed 12th February 1782.  
 6th October }  
 8th December—*per* Tryal; and over Land by Messrs. Dunkin and Smart.  
 4th January 1782—*per* Tryal.  
 1st February 1782 } By a King's Messenger as far as Vienna, who set out 23d Fe-  
 22d. As a Postscript } bruary.  
 30th April—*per* Brilliant, sailed in May.

11th July } per several Ships in September, and by a King's Messenger 15th July.  
12th D°

Being asked, Whether the Judicature Act was sent by Land to India between the 1st August 1781 and July 1782? he said, It does not appear that the Judicature Act was sent by Land to India between the 1st August 1781 and July 1782.—Being asked, When did Messrs. Dunkin and Smart leave England? he said, They signed their Receipt for their Packets on the 11th of December.—Being asked, What Persons in the Company's Service has he known to arrive from India between July 1781 to 3d August in the same Year? he said, Mr. Shakespeare delivered a Packet from Bengal on the 6th July.—Being asked, What Accounts have been received at the India House of the Patna Magistrates, since their being confined by Order of the Supreme Court of Judicature? he said, The Proceedings on the Subject, to the 25th February 1780, are already before the Committee; the Letters from Bengal, from that Time to the present, are silent thereon.

In the Appendix to the Revenue Consultations of the 6th March 1781, containing the Establishment proposed by the Committee of Revenue for the Chief of Patna, and which was approved by the Governor General and Council, is the following Article :

Law Charges.

	Sicca Rupees.
Allowance to the Family of Mufty Burket Ulla, Sicca Rupees —	— 100
D° of Golaum Muckdoom —	— 100
D° of Kauzee Saudee —	— 100
D° to Bonaum Beg, Son to Behadre Beg —	— 150
Total Law Charges per Month —	450

And in the Appendix to the Revenue Consultations of the 8th March 1782, containing the Establishment proposed for the Chief of Patna, the above Article in Law Charges is again repeated.

Your Committee having perused these Papers, must remark to the House the very different Manner in which the Committee of Secrecy mentioned the Two Acts; the Judicature Act, which, amongst other important Points, gave Relief to the Patna Magistrates, is sent for the *Information* of the Council General, without any Injunction of Obedience or Attention to it; but in the very next Sentence, when the Act for the Prolongation of the Charter is mentioned, then it is said to be sent, not for their Information only, but for their Guidance also, and strict Attention and Obedience is enjoined thereto.

It Report.

It appears in a former Report, that the Judicature Act passed in July 1781, and that in December 1781, Mr. Wilks, on being asked, "If he could inform the Committee, without specifying the Periods of Dispatch, how many Times Dispatches had been sent since the 16th of July?" he said, He did not think himself at Liberty to reveal how many Times the Committee of Secrecy have sent Dispatches since the 16th of July, but that he had no Objection to mentioning the Date of the First Dispatch since that Period.—And being asked, When that First Dispatch was sent? he said, The Letter was dated the 1st of August, and finally dispatched the 3d of that Month.—And being asked, That as that was the First Dispatch after the Bengal Judicature Act had passed in Parliament, was that Act transmitted by that Dispatch? he said, That Five Copies of the Regulating Act, and Five Copies of the Bengal Judicature Act, were inclosed in that Dispatch; he did not get the Acts from the Printer till the 2d; he received Six Copies of each, one he kept for Office Use, and the others he sent in that Dispatch.

"Mr. Wilks being desired to inform Your Committee of the Name of the Vessel by which he sent the Judicature Act to India, he again pleaded to the Committee, that it would be a Breach of his Oath to answer that Question. And being asked, Whether the Vessel that took that Dispatch (of the 3d of August) proceeded with it to the Tryal Sloop (then in Ireland) or to India? he said, He had no Knowledge of the Vessel that took that Dispatch having proceeded to the Tryal; and he added, that he humbly conceived, that he could not give a further Explanation to that Question. And being asked, Whether he conceived any Detriment could arise to the Company or the State, from informing a Committee of the House of Commons of the Name of a Ship, or the Dispatch of a Vessel, which sailed Six Months since with Dispatches to India? he said, Circumstanced as he is, he does conceive, that, without Instructions upon the Point in question, he was not at Liberty to judge, or to give an Opinion, whether Detriment might arise to the Company or to the State by such Disclosure. And being further asked, If the Chairman and Deputy Chairman, or either of them, assigned any Reasons why they gave him Leave to mention the Date of the Dispatch, and not the Time of the Vessel's sailing? he said, *The Reasons which rendered it improper to mention the Circumstances attending that Dispatch were perfectly known to him.*"

Your Committee, from this, and other Evidence which had been given to them by Mr. Wilks, always understood that the Judicature Act had bona fide been sent to India by the Dispatch of the 3d of August; and they imputed the extreme Caution which in the Course of his Evidence so plainly appeared in all his Answers to this Point, to the Impression of the Oath of Secrecy he had taken;

taken ; but they could not then imagine, that at the Moment he was informing the Committee of the First and only Dispatch of the Judicature Act, that he then knew the Dispatch, containing those Acts, had never been sent to India, but was actually returned to him at the India House on the 21st of November 1781.

Upon the Perusal of the Minutes of the Committee of Secrecy, Your Committee thought it highly necessary again to summon Mr. Wilks before them ; and being asked, Whether when he gave Evidence before this Committee, “ that the Judicature Bills were sent to Bengal in the Dispatch of the 3d of August,” he did not know that those Bills were never sent to India, but were returned to the East India House, from the Secretary to the Admiralty, early in the Month of November ? he said, He knew when he gave the Evidence, that the Bills had been returned to the India House, but he was not permitted to give further Explanation than what he had given. And Mr. Wilks being then asked, Who prevented him from giving that Evidence before the Committee ? he said, He believes the Chairman and Deputy Chairman, Mr. Sullivan and Sir William James, he believes it was a Matter of Conversation between them, and he is not certain whether they did not go to Administration concerning it. And being asked, What Orders he received from the Chairman and Deputy Chairman upon this Subject ? he said, He received Instructions from Mr. Sullivan not to communicate the Channel of Conveyance. And being asked, Why, when he gave Evidence to make this Committee believe the Judicature Bills were sent on the 3d of August, he did not inform the Committee that those Bills were not sent to India, but were actually returned to the India House early in the Month of November following ? he said, He was not permitted to give that Information. And being asked, Who prevented him ? he said, The Chairman (Mr. Sullivan) ; he is sure he had the Orders from Mr. Sullivan directing him not to communicate it. The Whole of Mr. Wilks's Evidence on this Subject is inserted in the Appendix N<sup>o</sup> 1.

Mr. Sullivan having been made acquainted, by the Chairman of Your Committee, with the Evidence given by Mr. Wilks on the 7th of March 1783, respecting the Dispatch of the 3d of August 1781, and he having desired to be heard before Your Committee, attended according to Order ; and Mr. Wilks's Evidence being read to him, he was desired to inform the Committee what he had to offer to them ; to which he said, He begged Leave to observe, that upon this, and former Occasions, his Name has been singly brought forward, as giving Directions to Mr. Wilks ; but he declared, that in no Matter of any Consequence did he ever give any Order to Mr. Wilks, but what was first determined and agreed upon between Sir William James, his Deputy, and himself :—That he has now heard the Evidence of Mr. Wilks ; and upon that he now states to the Committee, That upon the first Consideration of this Subject, it was agreed and settled between Sir William James and himself, that Mr. Wilks should be permitted to mention to the Committee the Dispatch of the 3d of August ; but that he was not to say further upon the Subject, as they felt themselves in such a *delicate Situation* as to be under the Necessity of *exercising that Caution* ; and, consequently, it is true, that Mr. Wilks was not warranted to say, that the Dispatches were ever returned :—That feeling the Displeasure of this Committee fall heavy on him in particular, he thought it full Time to place the Justification of Sir William James and him in the Hands of those with whom the Secret originated : That Sir William James holding the same Opinion, they saw Lord North, the late Minister ; they stated to him their Conduct in withholding from the Select Committee every other Matter except the Dispatch of the 3d of August ; that it met with his Approbation ; and they then desired, that as this Subject would probably be agitated in the House of Commons, that his Lordship would be pleased to declare all or any Part, as he should see proper ; to which Lord North acquiesced.

Being then asked, Whether Lord North ever did desire him to give Mr. Wilks Directions to keep the Business of the Return of the Dispatch of the 3d of August a Secret from this, or any other Committee of the House of Commons ? he said, He did not ; nor is it usual or necessary for any such Intimations, because, where they are consulted, as they were in the present Instance, it naturally followed, that this was amongst many other Secrets that they were justified in concealing.—Being asked, Whether Lord North did give him any Directions of Secrecy whatsoever relative to the Return of the Dispatch of the 3d of August ? he said, He never did, nor to any Matter whatsoever that passed between the Secret Committee and the Cabinet Council.—Being asked, Whether he did consult Lord North before the Time of Mr. Wilks's first Examination before this Committee, concerning that intended Examination ? he said, He does not recollect that he did.—Being asked, Whether he did not know that Mr. Wilks's Evidence concerning the Dispatch of the 3d of August, without any Mention of its being returned to the India House, tended to impress the Minds of the Committee with an Opinion, that the Acts of Parliament sent by that Dispatch, were then actually on their Passage to India ? he said, Yes, for the Time it certainly must ; but he knew that the Whole would in a little Time turn out to be a very innocent and a justifiable Measure, which Necessity pressed them to take.—Being asked, What Danger could possibly arise to the State, if he had informed this Committee that an Act of Parliament sent on the 3d of August to India had been returned to the India House on the 21st of November ? he said, It was Matter of Opinion in the Committee of Secrecy, consisting of Sir William James and himself, that any Lights that might open to the Secret Destination of that Dispatch should be avoided, and therefore, informing this Committee of the Return of those Dispatches appeared to them improper.—Being asked, Why he did not inform the Committee, that at the Time of their Inquiry, the Act of Parliament was not sent to India by any Mode of Conveyance whatsoever ? he said, That in every Instance, except that of the Secret Dispatch, he apprehends they have given a full Answer.—Being asked,

asked, Whether he imagines that any Danger could result to the State from informing this Committee in January 1782, that Dispatches which were intended to be sent on the 3d of August were returned on the 21st of November, more particularly as the Names of the Vessels were not required? he said, They were fearful that communicating the Dispatch sent, and afterwards returned, might possibly lead to a Discovery of the Ships which were intended for India, but did not proceed.—Being asked, Whether he knew that those Ships were to sail again to India? he said, He does not recollect, that he did know that.—Being asked, Whether he consulted the First Lord of the Admiralty, concerning the Danger of Mr. Wilks's giving a direct Answer about sending Acts of Parliament to India, before he instructed him upon that Subject? he said, They did not consult the First Lord of the Admiralty, or any of the Cabinet Council, with respect to the Secrecy they were to preserve, but acted upon their own Judgments.—Being asked, If the Matter upon which he desired Lord North's Opinion, subsequent to his and Mr. Wilks's Examination before this Committee, was, whether it was proper to conceal from this Committee, that an Act of Parliament which had been sent by a Sea Conveyance, did not actually go, but was returned to the India House? he said, His Memory does not serve him to speak positively, whether it did branch out into that particular Conversation.

Your Committee must observe, That Mr. Sullivan, in his Evidence, does not deny that Mr. Wilks was restricted from giving Evidence to the Committee; but he avers, that that Restriction was given as well by Sir William James as himself; and he declared to your Committee, that in no Matter of any consequence did he ever give any Order to Mr. Wilks, but what was first determined and agreed upon between Sir William James, his Deputy, and himself.

Your Committee find, That on the 4th of January 1782, the Committee of Secrecy (still being Mr. Sullivan and Sir William James) advise the Governor General and Council, that Two Ships of the Line, which they were before informed would sail about August, some Time after returned into Port, and that they received back the Acts of Parliament, &c. sent by that Conveyance: They add, "It was no small Concern to us to find, by the Return of these Packets, that our Endeavours to communicate the above necessary Information to you so soon as possible, had been frustrated. If this unforeseen Accident had not happened, the Act of Parliament which directs that the Patna Magistrates be discharged out of Prison, would probably have been in Bengal in all December at farthest; of course, the Native Magistrates, who had been imprisoned, would, before this Time have been liberated: Our Governor General and Council, and all Persons acting under their Authority, would also have been relieved from their painful Apprehensions of Inconvenience, on Account of Resistance made to the Execution of the Decrees of the Supreme Court of Judicature. We can only repeat our extreme Concern at the unfortunate Circumstance, which has thus prevented the early Receipt of the Act of Parliament at Fort William, and defeated our Intentions of affording you the necessary and most speedy Information on the Points above mentioned, in the Manner and by the Conveyances of Two Ships of the Line, which had been ordered to sail for India at the Close of July."

Your Committee think, that there cannot be a stronger Proof of the Expediency and even of the Necessity of sending, without Delay, not only the Acts of Parliament, but the Orders of the Directors for indemnifying the Patna Magistrates and others, than this very Letter of the 4th of January 1782; but Your Committee must remind the House, that this Letter was not wrote until after the Directors had been called upon by Your Committee, to lay before them the Measures they had pursued towards carrying into Execution the Judicature Act; and from the Date of this Letter it will appear, that more than Five Months elapsed before the Directors thought of sending Orders to Bengal for the Indemnification of the Patna Magistrates.

But it must be remarked, That the former Evidence given by Mr. Sullivan to Your Committee, militates directly against the Concern he expresses so strongly in the Letter of the 4th of January 1782:—He there states, "That only One single Conveyance to India had offered, since his pledging himself, with the Assent of the Directors, to indemnify and restore the Patna Magistrates. That this Conveyance was intended purposely for Secret Dispatches, but afterwards dispatched by the Court of Directors with Orders relative to the Company's Investment from Bengal;—That the Directors sent the Act of Parliament by this Vessel (the Tryal) with positive Directions to carry it into Execution;—That as this was no regular Dispatch, it did not at that Hour occur to carry into Execution the Remainder of the Orders relative to those People. And upon being questioned by Your Committee, Whether the Committee of Secrecy had sent any Advices over Land since the Agreement for Indemnification was made? he said, There had been One Dispatch. And being asked, Why was not the Act of Parliament, and the Company's Orders for indemnifying, sent by that Dispatch? he said, The Court of Directors sent no Letter by that Dispatch, and it went without their Knowledge, and he did not think, as One, that it was incumbent to send it by any Conveyance but that of Sea."

It appears to Your Committee, That the Dispatches which were sent over Land by Messrs. Dunkin and Smart, are dated the 8th of December, and their Receipt is signed the 11th.

The Date of this Dispatch is Seventeen Days after the Secretary of the Admiralty had returned the Packets to the India House; which Your Committee was made to believe were dispatched for India on the 3d of August, and but Two Days after Your Committee had directed the India Company to lay before them the Orders they had sent the Governor General and Council of Bengal for the Relief and Indemnification of the Patna Magistrates; so that Mr. Sullivan and Sir William James

knew



knew when Messrs. Dunkin and Smart left England, that neither the Act of Parliament, nor any Orders from the Directors for the Relief from Prison, or the Indemnification, of the Patna Magistrates, were actually on their Passage to India, for the Tryal Sloop which sailed in all October, had returned to Ireland dismasted; and yet Mr. Sullivan (notwithstanding his Expressions of Concern in his Letter of the 4th of January 1782) did not send this Act, or any Orders, by Messrs. Dunkin and Smart; and the Reason he assigns for it is, that, as One of the Directors, he did not think it incumbent on him to send it by any Conveyance but that of Sea.

Mr. Wilks, some few Days after his Examination, having stated to the Chairman of the Committee, that he had forgot to mention a Circumstance that might be thought important in this Enquiry, and attending Your Committee according to Order, he informed them, that after his First Examination before them, having Reason to think the Committee were not satisfied with the Evidence he had given, he had drawn up a Paper, which he delivered to the Chairman and Deputy Chairman, and which was, to the best of his Recollection, nearly in Substance the same as that which he then delivered in to the Committee.

Mr. Wilks then delivered in the Paper mentioned by him; which is as follows:

“ That the Committee’s Packet of the 3d of August, containing Copies of the Act of Parliament relative to the Bengal Judicature, sent to the Secretary of the Admiralty, to be forwarded to the Governor General of Bengal, by a secret Dispatch of Two of His Majesty’s Ships, then on the Point of Departure for the East Indies, being received back from the Admiralty in consequence of the King’s Ships having been prevented from pursuing their intended Voyage to India;”

“ Quere,

“ Is it proper to communicate the above Circumstances to a Committee of Parliament ?”

Mr. Wilks being then asked, What Answer he received to his Quere? he said, The Chairman and Deputy Chairman informed him, that it was not proper to communicate this Intelligence without consulting the King’s Ministers; and his Orders were, not to acquaint the Committee of the Dispatch being received back from the Admiralty.—Being asked, Whether he had those Orders in Writing? he said, No.—Being asked, Whether it was not his Custom to enter on the Minutes of the Committee of Secrecy, all Papers whatsoever that had any Reference to the Subject of Deliberation? he said, Yes.—Being asked, Whether this Paper and the Quere were so entered? he said, No.—Being asked, Why it was not entered? he said, It did not occur to him as a Paper necessary to be entered.—Being asked, When he was ordered not to give Evidence to a Committee of the House, on certain Points, the Object of their Inquiry, but to give a partial Evidence, which he knew would mislead the Committee, whether he did not think it necessary to have some Record to prove at least that he had received such Orders from the Chairman and Deputy? he said, It did not occur to him that it was necessary; he supposed they would avow the Orders they had given him.

Your Committee not being yet satisfied with the Evidence of Mr. Wilks, directed Mr. Johnson, Secretary to the Committee of Secrecy at the East India House, to produce the rough Minutes of their Proceedings of the 1st and 3d August, and all other Papers that had Relation to the Transmission of the Acts of Parliament by the Dispatch of the 3d of August.

Mr. Johnson accordingly produced the following Papers:

“ Original List of Packet, dated the 1st August.

“ Duplicate List of Packet, dated the 3d August.

“ Foul Draft of the Letter from the Committee of Secrecy to the Governor General, dated the 1st August 1781.

“ Original Letter of the 1st August 1781, signed by Laurence Sullivan, Chairman.”

Upon a careful and accurate Examination of these Records, Your Committee entertained Suspicions, from the Manner of blotting out and effacing, so unusual and so unnecessary, when nothing more than a mere Alteration of Words was to take place. They thought they could discover the Meaning of a whole Sentence to have been perverted, so as to convey a Construction totally different by the Alteration of Two or Three Words; and when they recollected the extreme Reluctance with which Mr. Wilks delivered his former Evidence, and that whenever he was closely pressed to any Point of real Information as to the Dispatch of the 3d of August, that he had always taken Shelter under the official Oath of preserving the Company’s Secrets; Your Committee once more ordered Mr. Wilks to appear before them; and, in order to afford the House the best Materials whercon to form their Judgment, Your Committee have entered his Examination verbatim, as follows:

Do you know of any Alteration of any Record that was under your Custody, relative to the Transmission of the Judicature Act of Parliament which passed in July 1781, to India?

The Letter, I believe, was altered, and the Addition was made to the List of the Packet.

By whose Orders?

There were no Orders given for it; there was an Error in the Paragraph relative to the Acts of Parliament.



Mr. Wilks being then shewn the foul Copy of the Letter of the 1st of August 1781, and the Alteration in the Fourth Page of the First Sheet, he acknowledges, that under the words *Act passed*, the Word *Appendixes* stood originally; and that the Word *Information* was wrote instead of the Word *Accommodation*, as it stood originally; and he said, that the Alterations were made by him, and are in his Hand Writing; and that the blotted Part below, he believes, contained the very same Words that stand inserted above.

If that Obliteration contained the very Words as they now stand inserted, Why were they so effectually blotted out, as to be totally illegible?

I recollect no Reason for it; I believe them to be the same Words as those inserted.

The next Paragraph being then read to Mr. Wilks, he was asked, Who made all the Blots in that Draft?

He said, I did.

What was contained in the Blot that appears before the Words *an Act of Parliament*, which now begins that Paragraph?

I do not know.

Who made that Blot?

I believe I did.

Why did you make it?

I do not recollect why.

Why was the Pen drawn through the Words *an Act*, and the same Words inserted above, in your own Hand Writing?

I recollect no Reason; the Blot after the Word *having* in the same Paragraph, covered the Word *also*, and the Blot over which the Word *also* stands, covers the Word *being*.

What was contained in the blotted Line, being the Line above the last in the Page?

I cannot tell.

What was contained in the Blot in the last Line after the Word *you*?

I apprehend it to have been a Figure of 5.

What was contained in the Blot next after that Figure?

I cannot tell.

What does it stand now; is it Copy or Copies?

I really cannot tell.

Did not you make it?

I did.

Then the last Paragraph of that Letter being shewn to Mr. Wilks, he was asked, What Word was contained in the Blot in that Paragraph after the Word *this*?

The Word *Intelligence*.

What was the Word that was erased above that Blot?

The Word *Information*.

Why was *Intelligence* first blotted out to introduce *Information*, and *Information* afterwards erased to introduce *Intelligence* again?

I suppose I thought *Information* a better Word, but upon observing the Word *Information* just above, that I re-inserted the Word *Intelligence*.

Why was the Word *Intelligence* carefully and effectually blotted out, and the Word *Information* only with the Pen run through it?

I cannot tell.

Mr. Wilks being then shewn the Paragraph in the Third Page, was asked, What was under the Blot at the Beginning of the Third Paragraph?

They seem to me to be the same Words as are inserted above, *you must take special Care that*.

What was under the Blot in the First Side, at the Beginning of the last Line but One?

The same as inserted above, *must*. I also apprehend the Words that were contained in the Obliteration in the Second Page, *co-operate effectually*, to have been the same Words as are inserted above.

What Reason had you for blotting out all those Words?

As they were all the same, I cannot tell.

Mr. Wilks being then shewn the List of the Packet, was asked, Who wrote the List of Packet dated 3d August 1781?

My Son William Moreton Wilks, except the Paragraph N<sup>o</sup> 7. at the Top of the 2d Page, and the Alterations, which were written by myself.

Who scratched out the Figure 7, at the Bottom of the First Page of that List of Packet?

I believe I did.

Why did you do it?

I apprehend it was to introduce N<sup>o</sup> 7. on the other Side of the Sheet.

Is it usual in making Lists of Packets to be sent to India, to interline the List, or is it usual to add it at the Bottom, where there is any new Matter to be added to it?

This was a List of Packet intended to be sent to India, but was rendered unfit by the Alterations made in it.

What was under the Erasure of the Words *of Parliament*, in the First Line of the 2d Side?

The Words *on the*, which were afterwards introduced at the Beginning of the Second Line.

Why

Why were the Words of *Parliament* put at the End of the First Line?  
As descriptive of the Committee mentioned in the Paragraph.

Then why was that Description obliterated?  
I do not recollect.

Being asked, How the 10th and 11th Articles of the List of Packet stood in the Original?  
It stood *Copies of Acts of Parliament*.

Was all the rest written afterwards?

Yes, except the Signature of my Name for Authentication, which was written previous to the Addition.

Mr. Wilks being then shewn the List of Packet of the 1st of August, was asked, What was under the Blot in the First Side of that List?

I cannot tell.

Mr. Wilks being then shewn the Nota Bene at the End of the List, was asked, How did the Words *Copies of Two Acts of Parliament* stand in the Original?  
It stood *Copies of an Act of Parliament*.

Why did you make that Alteration, from *Copies of an Act of Parliament* to *Copies of Two Acts of Parliament*?

Upon opening the Packet received back from Mr. Stephens, I found Five Copies of each Act: I made the Alteration in consequence.

At what Period of Time did you make that Alteration?

It was about the Time of the Receipt of the Committee's Order to enquire into what had been done respecting the Patna Magistrates, or about the Time of Mr. Sullivan's Examination.

Were all the Alterations in the Lists of Packets, and in the Letters, made at the same Time?

To the best of my Knowledge they were.

The intended Dispatch by the Men of War being of a secret Nature, and you being Secretary to the Committee of Secrecy, was it not your Custom to sign the List of Packet?

It was.

Must you not have known if any Thing was sent in that Packet?

I made the Packet up myself.

As you made up the Packet, did you know that the Judicature Acts of Parliament were sent in that Dispatch to India before you opened the Packet which was returned from the Admiralty to the India House?

Until I opened the Packet which was returned, I was not certain of it.

What Inducement had you to alter the Records of the India Company committed to your Trust?

I found that I had been guilty of a very great Error in not stating in the Letter the Particulars respecting the Judicature Act; and as the Acts were really sent by that Conveyance, I made the Alterations in the Letters and Packets which rendered them what they ought to have been before. I called upon Mr. Sullivan, and told him the Judicature Acts had been sent; he knew the Packets were come back; he directed me to bring the Letter, which I did, before there was any Alteration made in it; he said he observed there was no Mention made of the Judicature Act in the Letter. This is the Substance of what passed between us.—I made the Alterations without any Instructions from any Person:—My Inducement to make the Alterations was to have it known, that the Bengal Judicature Acts were sent; and therefore I took that most unwarrantable Step to cover such Design.

Where you had received no Orders to transmit those Acts of Parliament, and consequently no Blame could be imputed to you, why should you think it necessary to take such (as you call it) an unwarrantable Measure, that of altering the Company's Records?

I really did conceive, that my Negligence in wording the Draft of the Letter had involved the Chairman in much Distress.

Did you omit any Part of what you had Orders to insert in that Letter?

Certainly not.

How long had the returned Packet from Mr. Stephens been in your Possession before you opened it?

From the 21st of November till after the Receipt of the Order of this Committee to enquire into what had been done respecting the Patna Magistrates.

Why did it occur to you to open the Packet that you had had in your Possession near Three Weeks, just at the precise Time that an Order from this Committee, to enquire into the Relief given to the Patna Magistrates was sent to the India House, when, by a Reference to the Minutes of your Committee of Secrecy, you could always know the true Contents of that Packet?

I opened it at that Time, because I had an Idea that the Judicature Acts were in it, though not mentioned in the Letter to the Governor General.

Mr. Wilks being then shewn the original Letter, signed "Laurence Sullivan, Chairman," directed to Warren Hastings, Esquire, Governor General of Bengal, dated London, 1st August 1781; he was asked, Was this original Letter ever sent to India?

It is the very Paper that went in the Packet of the 1st of August.

Did you alter that Record after its being returned to the India House?

Yes; I did;—and he then pointed out to the Committee the Alterations made by him in that original Letter.

N. B. This Order was dated the 6th Dec 1781.

Vide Original Letter, Appendix, No 2.

Why

Why did you not make these Alterations previous to your Conversation with Mr. Sullivan ?

It was upon Mr. Sullivan's Observation, that there was not a Word about the Judicature Act in the Letter, that caused me to see the Impropriety of having sent such a Letter, when the Acts had really been sent, and struck me with the unhappy Idea of making those Alterations.

Why did you shew to Mr. Sullivan a Letter which, as you have stated, tended to bring Blame upon yourself ?

When I went to Mr. Sullivan, and told him the Acts were sent, he ordered me to bring the Letter.

Why did you not shew the Papers, after the Alterations were made, to Mr. Sullivan ?

I did not do it.

Your Committee, for the further Satisfaction of the House, have, in the Appendix N<sup>o</sup> 2, inserted the rough Draft of the Letter from Mr. Sullivan to Warren Hastings, Esquire, the Governor General of Bengal, with the Obliterations and Alterations mentioned in Mr. Wilks's Evidence; also the original Letter, signed by Mr. Sullivan, with the Erasures and Alterations, also mentioned in Mr. Wilks's Evidence; and also the Two Draft Lists of Packet of the 1<sup>st</sup> and 3<sup>d</sup> of August, with the Erasures, Obliterations, and Alterations, also mentioned in Mr. Wilks's Evidence.

*Your Committee must remark, That in the Secret Committee's Minute Book, the List of Packet of the 3<sup>d</sup> August 1781, is entered, and it agrees exactly with the rough Draft of the same List, as altered by Mr. Wilks, and which Mr. Wilks declared was not altered until the Month of December 1781.*

The fair Copy of the Letter of the 3<sup>d</sup> August 1781, corresponds with the Alteration of that Record made by Mr. Wilks in December 1781, so that it is evident that the Minute Book of the Committee of Secrecy, or Part of it, must have been wrote over again, in order to make it correspond with the Alterations of the Records; and to prevent any Appearances of Erasure or Alteration.

Your Committee must observe in this last Evidence of Mr. Wilks, he has acknowledged the Alteration of Records, but alledges, in Mitigation of his Offence, that he made those Alterations that the Records might correspond with the State of the Fact, namely, that of the actual Transmision of the Statutes in question by the Dispatch of the 3<sup>d</sup> of August. Your Committee thought it expedient to enquire how far the State of the Fact corresponded with those Alterations in the Records; and accordingly examined Mr. Owen, whose Evidence is as follows :

Mr. Richard Owen attending, according to Order, was asked, In what Employment he is? he said, He is a Clerk in the East India Company's Secretary's Office.—Being asked, Whether he brought any Packet from the Admiralty to the India House, on or about the 21<sup>st</sup> of November 1781? he said, He brought a Packet from the Admiralty he thinks about that Time.—Being asked, Whether he was at any Time called upon by Mr. Wilks, to see a Packet opened by him? he said, He was.—Being asked, About what Time? he said, About the latter End of the Year 1781, or the Beginning of the Year 1782.—Being then asked to relate the Conversation Mr. Wilks had with him upon that Occasion, he said, Mr. Wilks came into the Secretary's Office where he was employed, and desired him to go with him; he went with him into his own Office; there he saw a Deal Box nailed down. Mr. Wilks opened the Box, and took out several Agreement and Judicature Acts of Parliament; Mr. Wilks desired him to take Notice that those Acts were in the Box, observing to him that he might be called upon to prove the Acts being there.—Being asked, Whether the Packet he saw opened by Mr. Wilks, was the same he brought from the Admiralty? he said, He does not believe it was.—Being asked, Whether the Packet he saw opened by Mr. Wilks, had the same Appearance as a Packet made up in the Secretary's Office usually has, when delivered from that Office? he said, Certainly not; because it is usual when Box Packets are made up from the Secretary's Office to be sent to the East Indies, to cover the same with Canvas, to seal them with the Company's Seal, and to nail a Direction upon the Box.—Being asked, Whether he was ever called upon before or since to be present at the Opening of any Packet? he said, He believes not.—Being asked, In what Part of the Box those Acts of Parliament appeared upon the Opening of it? he said, He believes at or near the Top of the Box.—Being asked, Whether the Nature of his Employ at the India House, leads him to any Intercourse in Business with Mr. Wilks? he said, He has frequently been ordered by the Secretary at the India House, to follow any Instructions he might receive from Mr. Wilks.—Being then asked, When Mr. Wilks desired him to take particular Notice, that those Acts of Parliament were then taken out of that Box, assigning as a Reason, that he might be called upon to give Evidence upon this Point, what was his Opinion of the Transaction? he said, It was his Opinion, that it was a Packet intended to have been sent to India, but had been returned to the India House.—Being asked, Whether the Box opened by Mr. Wilks appeared to be of the same Size as that which he brought from the Admiralty? he said, It did not; the Packet he brought from the Admiralty was larger than that opened by Mr. Wilks.—Being asked, Whether he made any Memorandum upon the Subject of Mr. Wilks's Caution to him? he said, he did; He has made diligent Search for it, but cannot find it; he remembers having noticed some Letters wrote upon the Box W R T.—Being asked, Whether he has had any Conversation with Mr. Wilks on this Subject since the

the Transaction? he said, He believes not till this Morning : Mr. Wilks sent to him this Morning desiring he would call upon him; he called upon him; and Mr. Wilks said, Having received a Paper (which the Witness then delivered to the Committee) being a Bill of Mr. Strahan, the King's Printer, he thought it right to return it to him, and desired he would lay it before this Committee: After this Mr. Wilks entered into Conversation with him relative to the Box he brought from the Admiralty, and the one he saw opened in his Office, and asked him if he remembered seeing the Box opened that he brought from the Admiralty? he told him he did not see that Box opened, nor did he know what it contained: He observed to Mr. Wilks, that he remembered seeing him open a Box in his Office, and taking out several Agreement and Judicature Acts of Parliament; and he further mentioned to Mr. Wilks, that he had made a Memorandum on the Subject, but he could not find it. Mr. Wilks said, he thought that he the Witness had noticed in Writing the Time of the Box being opened, whilst he was in his Office. He told Mr. Wilks he did not recollect having made the Memorandum in his Office, but he did recollect that he had made a Memorandum: He mentioned to Mr. Wilks that he thought the Box was marked W R T, and asked him if it was marked so; to which, he thinks, he replied it was.

28 March  
1783.

Being asked whether he has had any Conversation relative to this Matter with any other Person? he said, Previous to his attending the Committee Yesterday, Mr. Sullivan being at the India House, sent for him to come to him into a private Room. Mr. Sullivan mentioned, that he understood from Mr. Wilks, that he had some Knowledge of the Packet which was returned from the Admiralty, and also of the Packet which was opened by Mr. Wilks, and which contained the Acts of Parliament: He then informed Mr. Sullivan generally what he has stated to the Committee respecting the Two Boxes. Mr. Sullivan asked him, If he knew whether the Packet which he brought from the Admiralty was the same that he saw opened in Mr. Wilks's Office? he told him, He did not believe it was. Mr. Sullivan said, That he understood from Mr. Wilks, that when the Packet was opened there was a Memorandum made, and that Mr. Wilks and he, the Witness, had both signed their Names to it. He told him, No; he had made a Memorandum of the Circumstance, but that he could not find the Paper.—Being asked, Whether those Acts of Parliament that he saw taken out of the Box were bound in marbled Paper? he said, They were not.—Being asked, Whether he was restrained by Mr. Wilks, in any Manner or Degree, from communicating the Circumstance of opening this Box? he said, He does not recollect that he was.

The Records of the Committee of Secrecy prove, that Mr. Wilks was in Possession of the Packet from the Admiralty on the 21st of November, and his own Evidence endeavours to prove, that this Packet so returned was not opened until he called upon Mr. Owen to be present: Mr. Wilks does not state the precise Day; but says, it must be after the Order was sent from this Committee to the Court of Directors, to enquire what had been done respecting the Patna Magistrates; that was the 6th December 1781, and Mr. Owen's Evidence confirms it as to the Point of Time.

It appears by a Letter from Captain Caldwell, Commander of His Majesty's Ship Agamemnon, dated Spithead, 10th November 1781, (Appendix N<sup>o</sup>. 3,) that upon Receipt of the Orders of Mr. Stephens, Secretary to the Admiralty, he returned the Company's Packets in a Box, which was made by his Orders expressly for that Purpose; this Box was sent to Mr. Stephens; and it appears by the Proceedings of the Committee of Secrecy, that Mr. Stephens sent this Box to the India House by Mr. Owen, desiring that the Packets belonging to the Admiralty might be returned. The Receipt of this Box is acknowledged by Mr. Wilks on the 21st November, and in the same Letter he mentions to Mr. Stephens, the Return of Three Paper Packets to his Address, which were that Day received, with Two returned Packets, marked W. R. T. sent to him by Order of the Chairman and Deputy Chairman of the East India Company on the 1st and 3d August; consequently Mr. Wilks must have opened the Box brought by Mr. Owen from the Admiralty on the 21st November.

It also appears from Mr. Owen's positive Evidence, that the Box which he saw opened, was not the Box he brought from the Admiralty; nor does it appear to be one of the Packets sent by Mr. Wilks, on the 3d August, because it had not any of the Properties of a Packet, such as is usually made up for Dispatches to India in the Secretary's Office, not covered with Canvas, nor sealed, but a plain Deal Box. And in Mr. Stephens's Letter to Captain Caldwell, of the 4th August, (Appendix N<sup>o</sup>. 4,) the Packet which he sends from the Secret Committee of the East India Company, is described to be a large sealed Packet, marked W. † R. † T.

Your Committee cannot avoid remarking, that Mr. Wilks, by his own Evidence, has given much Ground for Suspicion. He has stated, That the Packet had been more than a Fortnight in his Possession; that he did not know what was in the Packet until he had opened it, although he himself had made and signed the List of Packet, yet he sends for Mr. Owen, to be present at the Opening of this Box, in order that he might be a Witness to Papers which were found in it when so opened, and which Papers were not specified in the List of Packet.

Your Committee must now state to the House, not only the Prevarication but the positive Contradiction in the Evidence of Mr. Wilks.

" He had given Evidence to Your Committee, That he had received Orders from Mr. Sullivan, the Chairman of the India Company, to transmit the Judicature Acts by the Dispatch of the 3d August.

" That the Acts were mentioned in the Advices sent by that Dispatch.

S&L. COM. REP. VII.

D

" Thi

“ That he recollects the Close of One Paragraph in the Letter of the 3d August, enjoining strict Obedience thereto.

“ That he does not positively recollect whether Orders were given in a Committee (of Secrecy) to transmit the Acts of Parliament lately passed, or whether by the Chairman alone; but he would not have transmitted those Acts on his own Authority, much less would he have inserted a Paragraph in a Letter signed by the Chairman and Deputy Chairman, which mentioned those Acts of Parliament.

“ That he is authorized by the Committee of Secrecy to inform this Committee of that Part of the Dispatch which mentioned the Acts of Parliament.

“ That the Chairman of the East India Company certainly knew of the Transmission of the Judicature Act by the Dispatch of the 3d August.”

Mr. Wilks has now acknowledged to Your Committee, That he has altered the Company's Records; and, not only from his own Confession, but from the Alterations on the Records, it evidently appears, that no Mention whatsoever had been made in the Letter of the 3d August 1781, of the Transmission of the Judicature Act, so that the Evidence he had before given to this Committee relative to the Orders for the Transmission of this Act, appears to be a complete and absolute Falshood.

Your Committee must remark, That Mr. Sullivan, in Exculpation of himself, states in his Evidence,

“ That since the passing of the Act, and his pledging himself those Orders should go, there has not been a single Conveyance to India, except a small Vessel (the Tryal Sloop) intended purposely for secret Dispatches.

“ That no Vessel has been sent from this Country to India since the passing of the Act of Judicature (to December 1781.)

“ That as the Dispatch of the 29th August was no regular Dispatch, it did not at that Hour occur to carry into Execution the Remainder of the Orders relative to those People (the Patna Magistrates.)”

But it must be remarked, that the Dispatches of the 3d August, sent by the Agamemnon and Prothée, did actually sail for India, and had on board Packets from the Company.

Mr. Wilks appears to be so sensible of this, that he has altered the Company's Records, to prove, that there were Orders sent to India by this Conveyance. Mr. Sullivan, in his Evidence, takes no Notice of this Conveyance to India, although by those Men of War he had sent a Packet of such Importance, that, by Instructions from the Secretary of the Admiralty to the Captain of the Agamemnon, it was ordered to be thrown overboard in case of Necessity, to prevent its falling into the Hands of the Enemy.

Your Committee, therefore, think that Mr. Sullivan's Evidence was not founded on Fact, and had a natural Tendency to make your Committee believe, that no other Vessel (but the Tryal Sloop) had been dispatched to India since the passing of the Act of Parliament.

Your Committee thought proper to call upon Mr. Thomas Moreton, First Clerk of the Secretary's Office, to enquire of him, whether the Dispatch of the 29th August 1781, was a regular Dispatch to India; who being asked, If he remembers the Dispatch to India of the 29th of August 1781? he said, Yes.—Being asked, Whether it was a Dispatch on a particular Point only, or a regular Dispatch to all the Settlements of India? he said, It was a regular Dispatch; there was a General Letter to Bengal, wrote on various Subjects; there were General Letters to Madras and Bombay also.

Your Committee must remark, that Mr. Sullivan has attempted to apologize for a great Omission of his Duty, by a Declaration, that the Dispatch of the 29th August 1781, was not a regular Dispatch; and that Mr. Moreton has proved it to be not only a regular, but a general Dispatch, for it contained a General Letter from the Court of Directors to Bengal on various Subjects, as also General Letters to Bombay and Madras.

Your Committee must state to the House, that after Mr. Sullivan's First Examination before them, they thought it necessary to direct, that the proper Officer at the East India House do lay before this Committee, a Copy of the Order sent to the East Indies by the Dispatch of the 1st August 1781, relative to the Transmission of the Judicature Act, passed in the last Session of Parliament.

This Order was complied with on the 26th of December 1781.

In Mr. Wilks's Evidence, it appears that the Alterations he made in the Company's Records was betwixt the 7th and 22d December 1781.

From the Evidence of Mr. Robert William Fitzhugh, one of the Clerks from the India House, who attends this Committee, as also of Mr. Johnson, Secretary to the Committee of Secrecy, it appears, that it is the constant Usage at the India House, when Orders are sent from a Committee of the House of Commons for any Papers, or Copies of Papers, that the proper Officer waits upon the Chairman or Deputy Chairman of the India Company, to receive Instructions; and that the Orders so received from



from a Committee of this House, are read and minuted by the Court of Directors at their next Meeting.

The Letter to Bengal of the 3d August, was in the Department of the Committee of Secrecy; Mr. Wilks must therefore have received the Orders of the Chairman, Mr. Sullivan, or his Deputy, before he could send the Extract to this Committee, relative to the Transmission of the Judicature Act.

Upon this Point Your Committee must remark, that in Mr. Wilks's Evidence it is stated, that he shewed the Letter of the 3d August, after it was returned from the Admiralty, and before any Alterations were made in it, to Mr. Sullivan; who observed to him, that there was no Mention made of the Judicature Act in the Letter; so that it is evident the Chairman, Mr. Sullivan, or his Deputy, Sir William James, or both, must have given Permission to the fictitious Paragraph of the Letter of the 3d August being presented to Your Committee as the real Paragraph of the Letter of the Committee of Secrecy of that Date, and that notwithstanding Mr. Sullivan had signed the original Letter of 3d August.

It becomes necessary for Your Committee to inform the House, that whilst they had under their Deliberation such Resolutions as were fitting and proper for them to offer to the Consideration of the House, on the Matter contained in their First Report, they thought it necessary to examine Sir William James, a Member of their Committee; and he in his Evidence declaring, he certainly never gave any Orders or Opinions to Mr. Wilks, not to give Information to this Committee that he was present at a Conversation between the Chairman and Mr. Wilks, when the Matter of the Dispatch of the 3d of August was talked over; and without meaning the least possible Disrespect to this Committee, or to dispute its Authority, and not knowing what had passed in the Committee with respect to Mr. Wilks's Answers, he *acquiesced in an Idea, that it was improper to mention the Circumstances of that Dispatch, as it had been confidentially committed to them by the Cabinet as a Secret of State*; and he did not think the Committee, under such Circumstances, would insist on its being revealed.—This Evidence is inserted at large in the Appendix, N° 5. but could not be inserted in the former Report of the Committee on this Subject, not having been given until some Time after that Report was delivered to the House.

Mr. Sullivan points out to the Committee, that upon this, and former Occasions, his Name has been *singly* brought forward, as giving Directions to Mr. Wilks; but he declared, that in no Matter of any Consequence did he ever give any Orders to Mr. Wilks, but what was first determined and agreed upon between Sir William James (who was then his Deputy) and himself.

Mr. Wilks has given Evidence, that after his First Examination before Your Committee, thinking it necessary to have clear Instructions for his Conduct, he delivered in a Paper to Sir William James, and submitted to him a Query, "Whether it was proper for him to communicate the Circumstances mentioned in that Paper, to a Committee of Parliament."

It does not appear to your Committee, that there was any Difference of Opinion betwixt Mr. Sullivan and Sir William James, concerning the Instructions they should give to Mr. Wilks, on the Subject of the Dispatch of the 3d August.

Sir William James, a Member of Your Committee, being present, that Part of Mr. Sullivan's Evidence which respected him, was read; he was then asked, Why, being a Member of this Committee, and knowing that the Evidence given by Mr. Wilks of the 3d of August 1781, was fallacious, and intended to convince the Committee, that the Act of Judicature for the Relief of the Patna Magistrates was sent on that Day, when, as Deputy Chairman of the East India Company, he knew they were returned to the India House on the 21st of November, he did not think it necessary to give the Committee that Information? he said, In his former Evidence he has stated exactly what he considered, respecting the Circumstances of that Dispatch, as prudent to be kept secret; he did not then exactly recollect what Mr. Wilks's Evidence was, not having been able to attend this Committee so often as he could wish.—Being asked, If he imagines that any Danger could result to the State from informing this Committee in January 1782, that Dispatches, which were intended to be sent to India on the 3d of August, were returned on the 21st of November, more particularly as the Names of the Vessels were not required? he said, He could conceive no other Danger to the State than that it would have let the Enemy know the Method by which they had intended to re-inforce the Fleet in India.—Being asked, Whether he, as a Member of this Committee, did think it proper that the Committee should remain misled respecting the Dispatches of the 3d of August? he said, Certainly he did not think it necessary, nor would he on any Account be accessory to the misleading the Committee; he did not particularly attend to Mr. Wilks's Evidence, nor did he consider it in that Light.

Vide 1st Report.

This Examination of Sir William James was taken previous to the Discovery of the Alteration of the Company's Records: It appears by his Evidence, that the Circumstances of the Dispatch of the 3d August were withheld from Your Committee under an Idea that it was a Cabinet Secret; but from Mr. Wilks's last Examination, and from a Comparison of all those Circumstances, Your Committee



mittee are strongly induced to believe, that the Matters were withheld for the Purpose of covering a Neglect of Duty.

Your Committee must remark, that this Transaction, which, for Reasons of State, was to be kept a profound Secret from Your Committee, was communicated in Part by Mr. Wilks to Mr. Owen, a Clerk in the India House, but not in his Office: So those Circumstances which Your Committee were not permitted to know, namely, the Return of the Packet of the 3d August, was known to Mr. Owen, who was fixed upon to be present when it was opened, because *he might* be hereafter called upon to authenticate some Matter relative to it.

Your Committee, when they moved those Resolutions which were afterwards agreed to by the House, did not include Sir William James's Name in those Resolutions; for, although they did not consider him as totally free from Blame, yet they did not consider him in any Degree so culpable as Mr. Sullivan.

But Your Committee must now state to the House, that, besides his Restriction upon Mr. Wilks not to give Evidence to this Committee on certain Points, Your Committee find that Sir William James, one of their own Members, permitted, without any Explanation on his Part, the Evidence of Mr. Wilks to mislead Your Committee, and in consequence to make this House believe, from their Report, that to be a Matter of Fact, which has appeared to be the direct Reverse; namely, that the Judicature Act was not on its Passage to India by the Agamemnon and Prothée, although stated by Mr. Wilks to have been so dispatched on the 3d of August; and Sir William James ought, in his official Capacity, to have known, that at the very Time this Evidence was given, which was near Six Months after the Act had passed, that it was not then actually on its Way (the Tryal being returned) either by Land or Sea; and yet on the 11th of December, when the Dispatches were sent over Land, by Messieurs Dunkin and Smart, neither the Act, nor any Orders for the Relief of the Magistrates from Prison, did form any Part of that Dispatch.

Sir William James has stated in his Evidence, that he did not exactly recollect what Mr. Wilks's Evidence was, not having been able to attend this Committee so often as he could wish.

Your Committee having referred to their Minute Book, they find the following Entry of the 31st of January 1782.

“ Richard Smith, Esquire, in the Chair;

“ P R E S E N T,

“ Sir William James,  
“ Mr. Pitt,  
“ Mr. Pelham,  
“ Mr. Boughton Rouse,  
“ Mr. Long,  
“ Mr. Burke.

“ Committee proceed further in settling their Report.

“ Mr. Wilks's Evidence again read.

“ Committee deliberate.”

So that it appears, that Sir William James was present at the Deliberation on the Report to be made to the House; on which Occasion the Evidence of Mr. Wilks was again read.

Your Committee must observe, that it appears to them, that a fair Copy of the Letter of the 1st August has been converted into a foul Copy; and that some Signature had been made to that Letter, which has been since erased. The Names of Mr. Sullivan and Sir William James are wrote over the Erasure by Mr. Wilks, intending to convey the Idea that the fair Copy of this Letter was signed by those Persons. Sir William James does not recollect having signed that Letter, and the Office Indorsement on the Back of it seems to confirm that Assertion, being as follows:

“ 1st August 1781.

“ Letter from the Chairman to the Governor General  
of Bengal.”

Your Committee will close this Report, with observing, That the Act of Parliament which released the Patna Magistrates, &c. from Prison, passed the 18th of July 1781, and the Orders for the Indemnification for their Losses, and for Restoration to their former Offices (which was agreed to by the Company) ought to have been sent with the Act as soon as possible—That the Act was not sent by Sea until the latter End of October, by the Tryal—That this Vessel being dismasted, returned

returned to Ireland, and did not ultimately sail from thence till February; that it was only when the Tryal failed in February, that the Directors sent their Orders for the Payment of the Indemnification, and for the Restoration of the Patna Magistrates to their former Offices; and that this Order was sent in consequence of Instructions from your Committee, for the Directors to lay before them their Proceedings on this Subject. That neither the Act, nor any Orders relative to it, were sent by any Land Conveyance whatever, notwithstanding that other Dispatches were sent by Land, particularly by Messieurs Dunkin and Smart, who arrived at Bombay on the 20th of May last; and finally, that although it is now upwards of Twenty Months since the Act was passed, no Account of its being arrived at Bengal has yet been received by the India Company.

John Ibbetson, Esquire, Deputy Secretary at the Admiralty Office, attending according to Order, was asked, Whether he knows, if the Packets which were sent by the East India Company to the Admiralty, to be forwarded by the Agamemnon and Prothée, were covered with Paper or Canvas; and if sealed? he said, He really cannot tell whether they were covered with Paper or with Canvas, but they were covered and sealed; the latter is expressed in the Letter from the Secretary of the Admiralty to the Captain of the Agamemnon: He cannot pretend to speak with Certainty at this Distance of Time, but from the Conversation he has had with Mr. Stephens, and his own Recollection, he is rather inclined to think they were covered with Canvas. And being asked, Whether those Packets were made up in separate Boxes, or only contained in a Paper or Canvas Covering? he said, It is impossible to answer this, as they were covered; but they appeared to be made up in Boxes, or something else very strong and stiff.



---

# A P P E N D I X.

---

## N<sup>o</sup> I.

**M**R. Samuel Wilks attending according to Order, was asked, Whether he did not know when he gave Evidence before this Committee, *that the Judicature Bills were sent to Bengal in the Dispatch of the 3d of August*, that those Bills never were sent to India, but were returned to the East India House from the Secretary to the Admiralty, early in the Month of November? he said, He knew when he gave the Evidence that the Bills had been returned to the India House, but he was not permitted to give further Explanation than what he had given.—Being asked, Who prevented him from giving that Evidence before this Committee? he said, He believes the Chairman and Deputy Chairman, Mr. Sullivan and Sir William James; he believes it was a Matter of Consultation between them, and he is not certain whether they did not go up to Administration concerning it.—Being asked, What Orders he received from the Chairman and Deputy Chairman, upon this Subject? he said, He received Instructions from Mr. Sullivan, not to communicate the Channel of Conveyance.—Being asked, Why, when he gave Evidence to make this Committee believe that the Judicature Acts were sent on the 3d of August, he did not inform the Committee that those Acts were not sent to India, but were actually returned to the India House early in the Month of November following? he said, He was not permitted to give that Information.—Being asked, Who prevented him? he said, The Chairman, Mr. Sullivan; he is sure he had the Order from Mr. Sullivan, directing him not to communicate it.—Being asked, Whether he assigned any Reasons to him why he should not communicate it? he said, He does not recollect the Particulars of the Conversation.—Being asked, Whether he made no Remonstrance to him upon the Danger of his prevaricating before a Committee of the House of Commons? he said, He believes he did not make any Remonstrance at all; it did not occur to him at the Time as a Prevarication.—Being asked, Whether at the Time he gave Evidence to this Committee on the 20th of December 1781, when he stated the Judicature Act to be sent to India by the Dispatch of the 3d of August, he knew that any Judicature Act, or any Orders upon that Subject, were actually on their Passage to India? he said, To the best of his Recollection, he did not know that there was.—Being asked, If he knew whether the Judicature Act, which was passed in July 1781, was actually sent to India before the 12th of February 1782? he said, He does not know that it was.—Being asked, Whether if it had been sent from his Department, he should not have known of it? he said, If the Committee of Secrecy had sent it, he certainly should.

Vide 1st Report of last Session.

Then Mr. Samuel Johnson, the present Clerk to the Committee of Secrecy, attending according to Order, produced to Your Committee, the Book of the Minutes of the Committee of Secrecy at the East India House.

And the Proceedings of that Committee of the 1st of August being read, and being shewn to Mr. Wilks, he was asked, Why in the Minutes of the 1st of August, there is a Nota Bene, dated the 3d of August 1781, relative to the Transmission of the Copies of the Judicature Act of Parliament? he said, This Nota Bene must have been added afterwards, no Doubt.—Being asked, Whether it is usual in the Proceedings of the Committee of Secrecy at the East India House, to insert Matters of a subsequent Transaction in the Minutes of a former Day? he said, It is not usual.—Being asked, Whose Duty it is to enter the Minutes of the Committee of Secrecy? he said, It was his Duty, whilst he was in that Office, so see them entered.—Being asked, Whether he was in that Office on the 1st of August 1781? he said, He was.—Being asked, Whether he was the Person that entered those Minutes? he said, They were entered under his Care.—Being asked, Who they were entered by? he said, William Moreton Wilks.—Being asked, Whether he is the only Person

who

## A P P E N D I X, N° 1.

who enters Minutes of the Committee of Secrecy, besides himself? he said, Thomas Wilks has entered many; both of these are his Sons.—Being asked, Whether they are both of them sworn to Secrecy as well as himself? he said, Yes.—Being asked, Whether there is any other Person who has entered the Minutes of the Secret Committee? he said, He is not certain whether his youngest Son, Samuel Charles Wilks, has entered any; he was also sworn to Secrecy.—Being asked, When the fair Copy of the Proceedings of the 1st of August were entered? he said, He cannot recollect.—Being asked, Who inserted the Nota Bene at the End of the Proceedings of the 1st of August? he said, He dared say it was inserted by his Authority.—Being asked, Who desired him to have it inserted? he said, He does not know that he had any Authority for it besides his own.—Being asked, Whether he had any Conversation with the Chairman upon the Subject of his Examination before this Committee, previous to his entering that Nota Bene? he said, He does not recollect any thing respecting it.

And it being stated to Mr. Wilks, That the foregoing Question implies, that he made this Nota Bene subsequent to his Examination before this Committee, he was asked, Whether there is an Error in that Implication? to which he said, He is sure he cannot tell.

Being asked, If he remembers Messieurs Dunkin and Smart being dispatched over Land to India? he said, Yes.—Being asked, At what Time? he said, The 11th of December 1781.—Being asked, Whether they carried with them the Judicature Act, or any Orders for the Relief of the Patna Magistrates, then confined in Prison? he said, They did not, from the Committee of Secrecy.

## A P P E N D I X, N° 2. (A)

To the Honourable Warren Hastings, Esquire,  
Governor General of Bengal.

**Y**OUR Letter per Mr. Shakespear was received the 2<sup>d</sup> ultimo.—The Contents are truly disagreeable and alarming; yet, as we trace no Marks of Despondency, we must conclude that every possible Exertion has been and will be made, to reverse the Scene; and we are induced to hope that your Endeavours for that Purpose will be attended with the desired Success.

In regard to the Stoppage of the Company's Investment, upon the most mature Deliberation it is agreed, for many Reasons, if possible, to prevent it. The Manufacturers in all Events must be employed; otherwise, we fear, the Manufactures may be lost:—Goods must be imported from Bengal, or the Revenue in Britain must greatly suffer. In short, the Consequences would



A P P E N D I X, N° 2. (A)

2

would be very pernicious, and the Extent of the  
Evils unknown.

In order therefore, to the utmost  
of our Power, to obviate such Inconveniencies, it has  
been determined to authorize the Governor General and  
Council to draw Bills of Exchange upon the Court  
of Directors, to the Amount of 40 or 50 Lacks of  
Rupees, for the sole Purpose of providing a  
well-chosen Investment for the ensuing Year.

And we hope this Advice will reach you in Time  
to enable you to <sup>co-operate effectually</sup> with our  
Views in this Respect, as the Measure has been  
adopted by the Court, and you will therefore  
proceed, and take the necessary Steps accordingly.

We also inform you, that so  
soon as the Amount which you shall be authorized  
to draw for, shall have been received into the  
Company's Treasury, but not before, the Company's  
Servants are then to be permitted to load on  
board the Company's Ships, any Quantity of Raw Silk,  
of the Growth, Produce, and Manufacture of Bengal  
only, upon the Terms and Conditions allowed to  
the

A P P E N D I X, N<sup>o</sup> 2. (A)

the Commanders of our Ships in their private Trade.

3

You must take especial Care  
that the Bills of Exchange to be drawn as aforelaid, have an  
optional Clause, whereby Payment may be postponed for One  
Year, or more, if found necessary by the Company, upon  
allowing the Bill Holders a reasonable Rate of Interest for  
all the Time beyond 365 Days Sight.

As we expect that the Goods so  
purchased will be sold, and the Amount of the Sales  
be realized in England before the Bills of Exchange become  
due; so must we also depend upon your strict Attention  
to the Quality and Price of all Goods so provided, in  
order to insure a Commercial Profit thereon to the Company.

We do not at present enter upon  
the Consideration of Measures which have been productive  
of Circumstances so unusually distressing in Bengal;  
but when it became a Question, Whether the Preservation  
of our Possessions, or the temporary Provision of an  
Investment, should be the First Object of Attention; we  
must allow, that unless both were practicable, the  
former had an indisputable Claim to the Preference,

and

A P P E N D I X, N<sup>o</sup> 2. (A)

4  
and therefore your Determination on that Point seems  
to us very proper.

You have been informed, by our  
Letter of the 9th of June last, sent over Land under  
the Care of Major Muffenden Johnson and Mr.  
Alexander Macaulay, that Affairs on the Coast  
were under the Investigation of a Secret Committee  
of the House of Commons. By this Conveyance  
we send you Copy of the First and Second Reports  
of the said Committee of Secrecy, with the Appendix  
to the Second Report; but the Appendix to the  
First Report is not yet printed.

On the Ship Deptford was  
forwarded a Copy of the Report and Appendixes  
of the Select Committee, respecting the Bengal  
Judicature. We now send another Copy of

1 N. B.  
Not sent  
till the 3<sup>d</sup>  
of August.

that Report, and of the <sup>†</sup> *Act passed,*  
*Information.* for your  
further Information.  
further Accommodation.

*An Act*  
*An Act of Parliament having*  
also  
passed during the last Session, by which  
the Company's Charter has been prolonged for  
Ten Years, we transmit you Copy thereof  
for

A P P E N D I X, N° 2. (A).

5

For your Information and Guidance, and enjoin strict  
Attention and Obedience thereto.

In our Letter of the 9<sup>th</sup> of June, Copy  
whereof is herewith enclosed, you were advised of the Force  
intended to be sent to the Assistance of our Settlements  
in India. Since that Period Information has been received  
from Governor Hornby, dated the 2<sup>nd</sup> and 3<sup>d</sup> of March, that  
Six French Ships of the Line and Two Frigates, were seen  
entering Madras Road so long since as the 25<sup>th</sup> January  
last, besides Two other Ships of the Line and Four Frigates,  
said to be stationed to the Northward, and in Acheen Road.

Intelligence  
Information

This [REDACTED] has occasioned us much Concern; but  
we can with Certainty assure you, that a very considerable  
Addition, both Naval and Military, will be made to  
the Succours mentioned in our said Letter of the 9<sup>th</sup>  
of June, and of which you will be more particularly  
informed by a future Conveyance.

London, }  
1<sup>st</sup> August 1781. }

We are,  
Your affectionate Friends,  
(Signed) Lau. Sullivan,  
W<sup>m</sup> James.

---

N. B. The black Lines in the above are Blots in the Original, over which the  
Words appear to have been written, as printed; and those with a Line drawn  
under, are struck through with a Pen.

1<sup>st</sup> August 1781

Letter from the  
Chairman to the  
Governor - General  
of Bengal.

2

Entered Page 23: (C)

## APPENDIX, N<sup>o</sup> 2. (B)

To the Honourable Warren Hastings, Esquire,  
Governor General of Bengal.

Sir,

**Y**OUR Letter per Mr. Shakespear, was received the 2<sup>d</sup> ultimo, The Contents are truly disagreeable and alarming; yet, as we trace no Marks of Despondency, we must conclude, that every possible Exertion has been and will be made, to reverse the Scene; and we are induced to hope that your Endeavours for that Purpose will be attended with the desired Success.

In regard to the Stoppage of the Company's Investment, upon the most mature Deliberation it is agreed, for many Reasons, if possible, to prevent it. The Manufacturers in all Events must be employed; otherwise, we fear, the Manufactures may be lost. — Goods must be imported from Bengal, or the Revenue in Britain *must greatly suffer*. In short, the Consequences

would



A P P E N D I X, N° 2. (B.)

2

would be very pernicious, and the  
Extent of the Evils unknown.

In order therefore, to  
the utmost of our Power, to obviate  
such Inconveniencies, it has  
been determined to authorize the  
Governor General and Council to  
draw Bills of Exchange upon the  
Court of Directors to the Amount of  
40 or 50 Lacks of Rupees, for the  
sole Purpose of providing a well-  
chosen Investment for the ensuing  
Year. And we hope this Advice  
will reach you in Time to enable  
you to co-operate effectually with our  
Views in this Respect,

— — — as the  
Measure has been adopted

by the Court; and you will therefore  
proceed, and take the necessary Steps accordingly.

We also inform you,

that

— — — — —  
*that* — — — so soon as the Amount  
 which you shall be authorized to draw  
 for, shall have been received into the  
 Company's Treasury, but not before, the  
 Company's Servants are then to be permitted to load  
 on board the Company's Ships, any Quantity  
 of Raw Silk, of the Growth, Produce, and  
 Manufacture of Bengal only, upon the  
 Terms and Conditions allowed to the  
 Commanders of our Ships in their private  
 Trade.

You must take especial Care,  
 that the Bills of Exchange to be drawn  
 as aforesaid, have an optional Clause,  
 whereby Payment may be postponed for  
 One Year, or more, if found necessary by  
 the Company, upon allowing the Bill Holders  
 a reasonable Rate of Interest for all the  
 Time beyond 365 Days Sight.

As we expect that the Goods  
 so purchased will be sold, and the Amount  
 of the Sales be realized in England, before  
 the Bills of Exchange become due; so

A P P E N D I X, N<sup>o</sup> 2. (B)

4

must we also depend upon your  
strict Attention to the Quality and  
Price of all Goods so provided, in  
order to ensure a commercial Profit  
thereon to the Company.

We do not at present  
enter upon the Consideration of  
Measures which have been productive  
of Circumstances so unusually  
distressing in Bengal. But when  
it became a Question, Whether the  
Preservation of our Possessions, or the  
temporary Provision of an Investment,  
should be the First Object of Attention;  
we must allow, that unless both  
were practicable, the former had an  
indisputable Claim to the Preference,  
and therefore your Determination on  
that Point seems to us very proper.

You have been informed  
by our Letter of the 9th of June

H 2

last,

last, sent over Land under the Care of  
Major Muffenden Johnson and Mr. Alexander  
Macauly, that Affairs on the Coast were  
under the Investigation of a Secret Committee  
of the House of Commons. — By this  
Conveyance we send you Copy of the First  
and Second Reports of the said Committee of  
Secrecy, with the Appendix to the Second  
Report; but the Appendix to the First  
Report is not yet printed.

On the Ship Deptford was  
forwarded a Copy of the Report and  
Appendixes of the Select Committee respecting  
the Bengal Judicature. — We now send  
another Copy of that Report, and of the  
*Act passed*, for your further Information.

(not sent)

(not sent)

An Act of Parliament having  
also passed during the last Session, by which  
the Company's Charter has been prolonged for  
Ten Years, we transmit you Copy thereof  
for your Information and Guidance, and  
enjoin strict Attention and Obedience thereto.

In our Letter of the 9<sup>th</sup> of  
June, Extract whereof is herewith enclosed,  
you

6

you were advised of the Force  
intended to be sent to the Assistance  
of our Settlements in India.—Since  
that Period, Information has been  
received from Governor Hornby,  
dated the 2<sup>d</sup> and 3<sup>d</sup> of March,  
that Six French Ships of the  
Line and Two Frigates, were seen  
entering Madras Road so  
long since as the 25<sup>th</sup> of  
January last; besides Two other  
Ships of the Line and  
Four Frigates, said to be  
stationed to the Northward,  
and in Acheen Road.—This  
Intelligence has occasioned us  
much Concern; but we can  
with Certainty assure you,  
that a very considerable  
Addition, both Naval and  
Military.

A P P E N D I X, N<sup>o</sup> 2. (B)

7

Military, will be made to the Succours  
mentioned in our said Letter of the  
9<sup>th</sup> of June, and of which you will  
be more particularly informed by a  
future Conveyance.

We are

London,  
1<sup>st</sup> August 1781. }

Your affectionate Friends,

Lau. Sullivan,  
Chairman.

---

N.B. The Words in *Italic* Characters appear to be written upon an Erasure in the  
Original.




A P P E N D I X, N<sup>o</sup> 2. C.

1st August 1781.

L I S T of P A C K E T, to the Hon<sup>ble</sup>  
Warren Hastings, Esq<sup>r</sup>, Gov<sup>r</sup> Gen<sup>l</sup> in Bengal.

1. **LETTER** from the Chairman and Deputy  
Chairman (but signed by the Chairman only)  
the Deputy being absent  
Hon<sup>ble</sup>  
to the Hon<sup>ble</sup> Warren Hastings, Esquire, Gov<sup>r</sup>  
Gen<sup>l</sup> of Bengal, dated 1<sup>st</sup> August 1781.
2. Copy of a Letter from the Committee  
of Secrecy to the Gov<sup>r</sup> Gen<sup>l</sup> and Council,  
dated the 9th June 1781 (Original by  
Major Muffenden Johnson and  
Mr. Alexander Macaulay).
3. D<sup>o</sup> to the Gov. and Select Committee  
President  
of F. S. G.—dated—D<sup>o</sup>
4. D<sup>o</sup>—To the Pres<sup>t</sup> and Select  
Committee of Bombay, dated D<sup>o</sup>.
- 5 & 6. & 7. First and Second Reports of the Committee  
of Secrecy—With Appendix to Second Report.
7. Report of the Select Committee on the  
Bengal Judicature.

 SAM. WILKES,  
Clerk to the Committee  
of Secrecy.

A P P E N D I X, N<sup>o</sup> 2. C.

2

8. List of Goods which fell for Profit.
9. List of Goods which fell at a Loss.
10. Letter from the Clerk of the Committee  
of Secrecy to the Governor-General  
of Bengal.

S. WILKS.

N. B. In the Duplicate Packet, dispatched  
to the Care of Ph. Stephens, Esquire, 3<sup>d</sup> Aug<sup>r</sup> 1781,  
Copies of Two Acts of Parliament were sent,  
but not in the Original, as they could not be  
procured in Time, <sup>the Regulating Act</sup> not being printed.

S. W.

---

N. B. The Words and Figures in the above Draught with a Line drawn underneath,  
appear to have been struck through with a Pen; and those with Two Lines appear  
to be Alterations.

1<sup>st</sup> August 1781.

LIST of Packet to the  
Governor - General of  
Bengal.

Entered Page 28. (C)

# A P P E N D I X, N° 2. (D).

Draught. Duplicate. 2<sup>d</sup> Aug<sup>r</sup> 1781.

I

Duplicate. The Original dated 1<sup>st</sup> August 1781.

This Duplicate dispatched 2<sup>d</sup>, 1<sup>st</sup> August 1781.

Duplicate. Secret }  
List of Packet. }

LIST of PACKET to the Honble Warren Hastings,  
Esquire, Governor General in Bengal.

Original, dated and dispatched the  
1<sup>st</sup> August 1781.—  
Duplicate, 3<sup>d</sup> August 1781.—

Number.

1. LETTER from the Chairman and  
Deputy Chairman to the Honble Warren  
Hastings, Esq<sup>r</sup>, Governor General of Bengal,  
dated 1<sup>st</sup> August 1781.

2. Copy of a Letter from the  
Committee of Secrecy to the Governor General  
and Council, dated the 9<sup>th</sup> June 1781.  
(Original by Major Muffenden Johnson and  
Mr. Alexander Macaulay).

3. Copy of a Letter from the  
Committee of Secrecy to the Governor and  
Select Committee of Fort S<sup>t</sup> George, dated  
9<sup>th</sup> June 1781.

4. Copy of a Letter from the  
Committee of Secrecy to the President and  
Select Committee of Bombay, dated 9<sup>th</sup> June  
1781.

5, 6, 7. First and Second Reports of the  
Committee of Secrecy—With Appendix to  
the Second Report.

8. List

A P P E N D I X, N° 2. (D).

2

LIST of PACKET.

Number.

7. Report of the Select Committee of Parliament,  
on the Bengal Judicature.

8. List of Goods which  
fell for Profit. ——— List of Goods  
which fell for Loss.

9. Letter from the Clerk  
of the Committee of Secrecy to the  
Governor General of Bengal.

10 & 11. Two Acts passed  
Copies of ~~A~~ Acts of passed

in the last Session of Parliament, respecting the Prolongation  
of the Company's Charter, and the Regulation  
of Bengal Judicature.

London,  
3 August 1781.

SAM. WILKS.  
Clerk to the  
Committee of  
Secrecy,

---

N. B. The Words and Figure in the above Draught with a Line drawn underneath, appear to have been struck through with a Pen in the Original.





3 August 1781;

**D U P L I C A T E** Lift

of the Packet,

of 1<sup>st</sup> Aug<sup>r</sup> 1781;

Entered Page 30. (C)

## A P P E N D I X, N<sup>o</sup> 3. 4.

### A P P E N D I X, N<sup>o</sup> 3.

Agamemnon, Spithead, 10th Nov. 1781.

Sir,

I Have received your Letter of the 8th Instant, and should have returned the several Packets, &c. &c. &c. therein mentioned, To-day, but could not get a Box made to contain them ready in Time: To-morrow Morning they shall be sent to the Commissioner's Office, directed for you; but not said, upon His Majesty's Service; by which I apprehend they will be delivered to you immediately.

The Captain of the Prothée has not been made acquainted (in the least) with any Part of their Lordships Orders of the 4th August.—Though the Directions to you are done by my Clerk, he is not informed of what they are, having done the Covers myself. I have the Honour to be, with great Esteem,

Sir,  
Your most obedient,  
and most humble Servant,  
Ben. Caldwell.

P. Stephens, Esquire.

### A P P E N D I X, N<sup>o</sup> 4.

A. O. 4 Aug<sup>t</sup> 1781.

Sir,

I AM commanded by my L. C. A. to send you herewith a large sealed Packet, marked W. R. T. from the Secret Committee of the East India Company, intended for the Honourable Warren Hastings, Governor General of Bengal; which being of great Consequence, it is their Lordships Directions that you take particular Care of it (throwing it over board in Case of Necessity, to prevent its falling into the Enemy's Hands;) and that you cause it to be conveyed to Mr. Hastings by the first safe Conveyance which may offer after your Arrival in India.

I am, &c.  
P. S.

P. S.

Under another Cover you will receive a Duplicate of the above-mentioned Packet, distinguished by the Letter D in the Corner, which my Lords desire you will deliver into the Charge of the Captain of the Prothée, to be conveyed to Mr. Hastings in like Manner.

Capt. Caldwell, Agamemnon.

8 Nov. 1781.

Sir,

I am commanded by my Lords Commissioners of the Admiralty, to signify their Direction to you to return to me the several Packets mentioned and referred to in their Lordships Orders, and my Letter of the 4 Aug<sup>t</sup> last; and also the private Signals which accompanied another Letter from me of that Date; and if you have delivered (according to the Directions you received for that Purpose) to the Captain of the Prothée, one of the Packets above-mentioned, marked W. R. T. to demand from him, and return it with the others.

I am, &c.  
(Signed) P. S.

Captain Caldwell,  
Agamemnon, Spithead.

## A P P E N D I X, N<sup>o</sup> 5.

SIR William James, a Member of your Committee, was then asked, Whether he at any Time restricted Mr. Wilks, the Clerk to the Committee of Secrecy, from giving Information to this Committee? to which he said, He certainly never gave any Orders or Opinions to Mr. Wilks not to give Information to this Committee: He was present at a Conversation between the Chairman and Mr. Wilks, when the Matter of the Dispatch of the 3d of August (by which the Acts of Parliament had been sent) was talked over; and, without meaning the least possible Disrespect to this Committee, or to dispute its Authority, and not knowing what had passed in the Committee with respect to Mr. Wilks's Answers, he acquiesced in an Idea, that it was improper to mention the Circumstances of that Dispatch, as it had been confidentially committed to them by the Cabinet, as a Secret of the State; and he did not think the Committee, under such Circumstances, would insist upon its being revealed.—Being asked, Whether he (being a Member of this Committee, and not having attended it at that Time) did confer with any other Member of the Committee concerning the Subject Matter of the Examination of Mr. Wilks, and the Points to which he was to be examined? he said, He did not.—Being asked, What Reason he had to imagine, that the Committee intended to examine Mr. Wilks concerning any of those Matters which His Majesty's Ministers desired to be kept secret? he said, He had no Reason; but that at the Conference between Mr. Sullivan and Mr. Wilks, he understood that the Enquiry was in respect to the Dispatch of the 3d of August.—Being asked, Whether he ever heard that there was any Examination of Mr. Wilks, further than to state the Time and Conveyance, and Place of Departure of the Vessel which conveyed the Acts of Parliament? he said, He understood by what passed at the Conference above mentioned in his Presence, that he had been, or was to be, examined with respect to the Conveyance which carried that Dispatch, which was of the secret Nature he has before alluded to.—Being asked, Which of the King's Ministers it was who restrained him from communicating any Matter to this Committee, which might be the Subject of their Enquiry? he said, No one Minister positively restrained him.—Being asked, What Minister did, in any Degree, restrain him? he said, In confidential Communication with His Majesty's Ministers, upon Force or Protection to be sent to India, he considered it his Duty to keep it a Secret.—Being asked, Whether any of the King's Ministers did in any way restrain him from making that Communication? he said, They did not.—Being asked, What Number of Dispatches were sent to India by Sea and Land, between the 15th Day of July, and the 7th of December 1781, he said, He cannot say positively, but he believes there were Three, One by Land, and Two by Sea.—Being asked, What he understood by the Expression he has used in his former Account, of "*the Circumstances of the Dispatch*?" he said, He alludes to the Ship or Ships by which it was sent.—Being asked, Whether in acquiescing in the Idea of the Impropriety of disclosing the Circumstances of the Dispatch, he conveyed to Mr. Wilks the Idea that his Oath of Secrecy was binding on him on the Occasion, he said, He did not say any thing to him on that Subject.—Being asked, Whether the Idea conveyed to Mr. Wilks in that Conference, by Mr. Sullivan, and acquiesced in by him, was, to state to the Committee, the Impropriety of disclosing the Circumstances alluded to, and leaving it to their Discretion whether he should answer or not, or positively to refuse answering? he said, He did not understand that he was directed positively to refuse answering.—Being asked, Whether Secrecy was enjoined to Mr. Wilks, any further than respecting the Circumstances of the Dispatch of the 3d of August? he said, At the Conference alluded to, the Circumstances of the Dispatch of the 3d of August was the only Subject under Consideration.—Being asked, Whether at that Conference any Thing passed, with his Acquiescence, to restrain Mr. Wilks from informing the Committee when, and in what Manner, the Acts of Parliament were transmitted to India? he said, No, except respecting the Ship or Ships that carried them.







E I G H T H  
R E P O R T  
FROM THE  
SELECT COMMITTEE,  
APPOINTED TO TAKE INTO CONSIDERATION  
THE STATE OF THE ADMINISTRATION OF  
JUSTICE IN THE PROVINCES OF  
*BENGAL, BAHAR, and ORISSA.*

---

Printed in the Year M.DCC.LXXXIII.







E I G H T H  
R E P O R T  
FROM THE  
S E L E C T C O M M I T T E E,

Appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, as it shall appear to them, to the House, with their Observations thereupon; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted.

**I**N the last Session of Parliament, the Secret Committee, in their Fifth Report, entered into some Detail of the Origin of the Rohilla War; and the House, in Consequence of that Report, came to a Resolution, reprobating that War in very strong Terms. See Journal, 28th May 1782—8th Resolution.

Your Committee, in the Course of their Examination into the late Proceedings of the Governor General in the Province of Oude (which will form the subject Matter of a future Report) have had Occasion to peruse the Records of the Company relative to the Nabob Fyzoolah Khan, one of those Rohilla Chiefs who was dispossessed of his Territories by the late Vizier Sujah Dowlah, but with whom a Treaty had been made, under the Sanction of the Commander in Chief of the Company's Forces in Bengal, and certain Districts were yielded to him by that Treaty: Your Committee think it their Duty to report this Case to the House.

It appears to Your Committee, that the English Army under the Command of Colonel Champion, was cantoned in the Rohilla Country after the Campaign of 1774; and that in the Midst of the Rainy Season, the Vizier, without consulting the Commander in Chief, and even against his Advice, put his own Army in Motion against Fyzoolah Khan, a Rohilla Chief, who had collected together the remaining Wealth and Strength of the Rohilla Tribe, and who had taken an advantageous Post at Lall-Dang, the Extremity of the Rohilla Country.

Colonel Champion, in his Letter to the Secret Committee of Bengal, dated the 24th of July 1774, writes, "That as his Excellency was so very desirous of his taking the Field, and as he has the sole Authority of prescribing the Service to be undertaken, and has quoted the President's Advice, I am constrained to break Ground with all the Sepoys of the Brigade and the European Grenadiers."

Your Committee further find, That Colonel Champion having joined his whole Force with the Vizier's, and after reducing some considerable Fortresses in the Rohilla Country, they advanced within

within a Mile of Lall-Dang, where Fyzoolah Khan was intrenched with his Army in a very strong Position.

On the 13th of August 1774, the Vizier wrote to Colonel Champion, desiring him to offer Fyzoolah Khan Peace, upon certain Conditions—In consequence whereof a Negotiation commenced; and

On the 6th of October, Colonel Champion wrote from Camp to the President and Members of the Select Committee at Calcutta, as follows:

“ I have the Pleasure to acquaint you, that the Vizier and Fyzoolah Khan have this Day agreed upon Terms of Peace. Fyzoolah is to have a Jaghire of Fourteen Lacks Seventy-five thousand Rupees per Annum in the Rohilla Country, with Liberty to keep 5,000 Men in Arms; in Consideration whereof he is to give the Vizier Half his Treasure. When the Agreement has gone through the usual Formalities, I shall do myself the Honour of transmitting a Copy of it to you; in the mean Time I beg leave to congratulate you on the Conclusion of the War.”

On the 8th of October, Colonel Champion also wrote from the Camp within Four Cofs of Lall-Dang, to the President and Committee, as follows:

“ Under Date of the 6th Instant, I informed you that the Vizier and Fyzoolah had come to an Accommodation; and I have now the Honour to transmit Copies of the mutual Engagements entered into between them, as drawn out by his Excellency the Vizier, and sealed and sworn to by him and the Rohilla Yesterday, in my Presence.

“ The Vizier has drawn off his own Army, and To-morrow I shall, agreeably to his Request, follow with the Company's Troops.

“ As Fyzoolah Khan is restricted to a small Body of Men, such of the Troops disbanded by him, as the Vizier does not chuse to entertain, are to cross the Ganges without Delay.

“ I know not well, why his Excellency has not inserted in Fyzoolah's Agreement, the Obligation to deliver up Half his Treasure. I remarked this seeming Omission to his Excellency before the Agreements were signed; he only answered, that whatever Fyzoolah's Effects might be, he would be contented with Half, and the other promised to give a faithful Account of them.”

The following are Copies of the Treaties inclosed in the above Letter:

Copy of a Treaty under the Hands and Seal of the Nabob Sujah ul Dowlah Bahader, and Colonel Champion.

“ A Friendship having been entered into between me and Fyzoolah Khan, I have agreed to give him the Country of Rampore, and some other Districts dependent thereon, producing altogether an Annual Revenue of 14,75,000 Rupees; and I have stipulated, Fyzoolah Khan shall retain in his Service 5,000 Troops, and not a single Man more: I therefore give this written Engagement, that I will at all Times, and on all Occasions, support the Honour and Character of Fyzoolah Khan, and will promote his Interest and Advantage to the utmost of my Power, upon the following Conditions—That Fyzoolah Khan shall enter into no Connection with any Person but myself, and that he shall hold no Correspondence with any Person, except the English Chief—That he shall consider my Friends as his Friends, and my Enemies as his Enemies; and, That with whomsoever I shall make War, Fyzoolah Khan shall send Two or Three thousand Men, according to his Ability, to join my Forces, and if I march in Person, Fyzoolah Khan shall himself accompany me with his Troops; and if on account of the Smallness of the Number of the Forces he is to retain in his Service, he is not able to accompany me, I will then appoint him Three or Four thousand more Troops, that he may accompany me with a good Army, and I will be at the Expence of supporting them.—Upon the Performance of these Conditions, I have agreed to give the said Countries, at the aforementioned Revenue, to Fyzoolah Khan, and to promote his Interest and Advantage to the utmost of my Power.—If Fyzoolah Khan fulfils the Articles of this Treaty, and adheres steadily to it, I will not neglect whatever may be for his Advantage.

“ He shall send the Remainder of the Rohillas on the other Side of the River. I have sworn on the holy Khoran, calling God and his Prophet to witness to the Performance of these Articles.



Rujjub,  
1188.



Copy

Copy of a Treaty under the Hands and Seals of Fyzoolah Khan and Colonel Champion.

" A Friendship having taken place between the Nabob Vizier Ul Mult Behadar and me, and the Nabob Vizier having been graciously pleased to bestow on me a Country, I have sworn on the holy Khoran, calling God and his Prophet to witness to what I engage—That I will always whilst I live, continue in Submission and Obedience to the Nabob Vizier—That I will retain in my Service 5,000 Men, stipulated by the Nabob Vizier, and not a single Man more—That with whomsoever the Nabob Vizier shall engage in Hostilities, I will assist him; and, That if the Nabob Vizier shall send an Army against any Enemy, I will also send Two or Three thousand of my Troops to join them; and if he goes in Person against any Enemy, I will personally attend him with my Forces—That I will have no Connection with any Person but the Nabob Vizier, and will hold no Correspondence with any one (the English Chiefs excepted)—That whatever the Nabob Vizier directs, I will execute; and that I will at all Times, and on all Occasions, both in Adversity and Prosperity, continue his firm Associate.

" I have sworn on the holy Khoran, calling God and his Prophet to witness to the Performance of these Articles.—May God and his Prophet punish me, if I act contrary to them."

Seal of Colonel  
Champion.

Rujjub  
1188.

Seal of Fyzoolah  
Khan.

And Your Committee further find, That the Vizier Sujah Dowlah faithfully discharged his Part of the Treaty, by giving Fyzoolah Khan the actual Possession of the District of Rampore very soon after the Signature of this Treaty.

And Your Committee observe, That in the Month of February 1778, Mr. Middleton, the English Resident at the Court of Azoph ul Dowlah, the Son and Successor of Sujah Dowlah, sent Mr. Daniel Barwell, a Servant of the East India Company, on a Deputation to Fyzoolah Khan. As the Object of his Mission is explained by Mr. Middleton, in his Letter to the Supreme Council of the 25th of February 1778, and in his Letter to Mr. Barwell of the 4th of March following, and as it appears, that the Guarantee of the Company arose out of this Deputation; Your Committee have thought it necessary, in this Place, to insert these Letters at large, together with Mr. Barwell's Report in his Letter to Mr. Middleton of the 26th of March 1778.

Copy of a Letter from Mr. Nathaniel Middleton to the Governor General and Council;  
dated Lucknow, 25th February 1778.

" The Reports which have for some Time past prevailed, of Fyzoolah Khan's raising and maintaining a large Force, contrary to the Tenor of his Treaty with the Nabob Sujah ul Dowlah; his giving Protection and Encouragement to the Fugitives of Zabita Khan's defeated Army; his secret Correspondence with that Chief and his Followers, who are leagued with the Seicks, and who no doubt would eagerly embrace any Opportunity which might in Appearance afford them even a Chance of recovering their former Possessions, or of contributing to the Relief of their present Necessities; seem to demand the immediate Attention of this Government. I confess, I have hitherto given very little Credit to these Insinuations, under the Belief that Fyzoolah Khan's own Prudence and good Sense, would naturally suggest to him the bad Policy of engaging in any wild or doubtful Enterprizes, while he considered his present Establishment permanent and secure: But alarmed as he has been, by the Nabob's Resumption of a Number of Jaghires granted by his Father to different Persons, and the Injustice and Oppression of his Conduct in general; and at the same Time entertaining Doubts as to the Part our Government would take in the Case of any Attempt being made by his Excellency to deprive him of the Rights he holds by virtue of his Treaty with the late Vizier; it is not impossible but he might be induced to form Connections, and to engage in Schemes, incompatible with his Duty and Allegiance to the Vizier: Nor will the Honourable Board be surpris'd, after the Representations I have lately had Occasion to make to them of the Conduct of the Nabob, that the Rohilla Chief should place so little Reliance on the Faith of his Excellency's Engagements—For these Reasons, I think it highly necessary, that the Situation and Views of Fyzoolah Khan should be minutely enquired into; that if he really harbours any Designs hostile to this Government, they may be crushed before they have acquired sufficient Maturity to affect either the Interests of the Vizier or the Honourable Company; or, on the other Hand, that if his Conduct has been in no Respect exceptionable, he may have an Opportunity of clearing it of Suspicion.

" A late Application from Fyzoolah Khan, to obtain the Guarantee of the Honourable Company to his Engagements with the Vizier, and his urgent Solicitations to get this effected with all possible

“ possible Haste, plainly evince his Suspicions of the Vizier, and afford the fairest Opening for an Enquiry into the Truth of the Reports circulated to his Prejudice, without directly alarming him; I have therefore taken upon me to depute Mr. Daniel Barwell, who is now with me, upon a Visit, and who, as he concurred with me in the Propriety of the Measure, and had no Affairs of Consequence to demand his Presence at Benares, has been kind enough to accept the Commission, to proceed immediately to Fyzoolah Khan, to make strict Enquiry upon the Spot into the past Conduct and apparent Views of that Chief, that he may at once either be cleared of Suspicion, or punished by the Vizier, if it shall appear that he has infringed the Articles of the Treaty. —Admitting that the Rohilla Chief's Designs are friendly, his extraordinary Solicitude to obtain the Guarantee of the Company is consistent, and the Reason obvious—having heard of the Reports circulating to his Prejudice, and of the Acts of Injustice and Oppression which the Vizier is constantly exercising upon those who are wholly at his Mercy, he is apprehensive lest his Excellency, desirous of seizing his Country and involving him in Ruin, should avail himself of these Reports to execute his Purpose. For these Reasons, and as the Treaty between Fyzoolah Khan and the late Nabob was made under the Sanction of the English, I hope the Honourable Board will approve of the Step I have taken, as it will be the Means of obviating any Disputes between the Vizier and Fyzoolah Khan, and in Case of the latter's acquitting himself, will give him a Confidence in the Company, which may induce him to look up to that Influence as the surest Defence against any Invasion of his Rights, and thereby render him a faithful and perhaps a useful Ally upon some future Emergency.—If therefore, after the Investigation made by Mr. Barwell on the Spot, it shall appear, that the Reports spread to the Prejudice of Fyzoolah Khan, are without any just Foundation, and that he has not in any Shape swerved from his Duty and Allegiance to the Vizier, I request to know, whether the Honourable Board will be pleased to grant me Permission to comply with his Request of the Company's guaranteeing his Treaty with the Vizier, that I may instruct Mr. Barwell, either to encourage or wholly suppress any Negotiation that may have this Tendency.

“ As there appeared to me an immediate Necessity to depute some Person on the Part of the Honourable Company, to search into the Truth of these Reports, in order to prevent the instant Effect of any Alarms which the Vizier's Conduct may have given to Fyzoolah Khan, I hope the Propriety of the Measure will excuse my having availed myself of Mr. Barwell's Abilities and Knowledge of the Persian Language in this Business, as Mr. Chandler, my Head Assistant, is fully employed in assisting me in the Accounts, and other current Business of my Office; and Mr. Bathurst is not returned from his public Mission with Mirza Saudut Ali.

“ I entreat the Honourable Board will be pleased to favour me with as speedy an Answer as possible, as Mr. Barwell will necessarily be detained with Fyzoolah Khan until it arrives.”

Copy of a Letter from Mr. Nathaniel Middleton to Mr. Daniel Barwell;  
dated at Lucknow, the 4th of March 1778.

“ Reports having for some Time past prevailed, of Fyzoolah Khan's raising and maintaining in his Service a larger Force than the Conditions of his Treaty with the late Nabob Sujah Dowlah allow him; of his giving Protection and Encouragement to the Fugitives of Zabita Khan's defeated Army; of his holding secret Correspondence with that Chief, his Followers the Seicks, and other Powers disaffected to the Vizier's Government; I have thought it necessary, for the Security of our Ally and the Honourable Company's Interest, to make a strict Enquiry into the Situation and Views of the Rohilla Chief, that if he really entertains any Designs hostile to the Vizier's Government, they may be effectually crushed before he has acquired sufficient Strength, or formed Connections, which would enable him to make Resistance. To effect this important Object, it appears to me indispensably necessary that a Gentleman, on whose Report entire Reliance may be had, should proceed immediately to the Capital of Fyzoolah Khan, to make particular Enquiry on the Spot, into the several Heads of Complaint which have been alleged against that Chief; and as I have no Assistant at present with me but Mr. Chandler, or any other Person sufficiently acquainted with the Languages of the Country to take upon him such a Commission, I avail myself of the Permission you have given me, to make Use of your Services; and now trouble you with the following Instructions for your Guidance in the Execution of this Trust.

“ You will proceed with all convenient Speed to Rampore, the Residence of Fyzoolah Khan, and deliver to him the inclosed Letter from me, which serves as a personal Introduction to him, and also as an Intimation of the Purposes of your Mission.

“ You will be pleased to acquaint him with the Particulars of the Reports which have been circulated to the Prejudice of his Character and good Faith; and impress strongly upon his Mind, the Necessity of his acquitting himself of them, if he wishes to continue upon Terms of Friendship with the English, or preserve the Alliance of the Vizier. You will please to have his Army mustered before you, or ascertain, by any other Means which you may best approve, the exact Number of Troops he retains in his Service, and in what Manner they are employed; you will also endeavour to discover with whom he holds Correspondence, what is the Nature of it, and through what Channel he carries it on.

" You will further make particular Enquiry into the State of the Country, its Defences; and its annual Revenue; these are the Objects which I have particularly to recommend to your Enquiry, and to request your Observations upon; but I should be glad you would communicate to me in general, any other Discoveries you may make during your Residence with Fyzoolah Khan, which you shall judge worthy the Notice of the Vizier's, or our own Government.

" I have addressed the Honourable Board upon the Subject of your Mission; and for your further Information, now inclose you a Copy of my Letter, from which you will perceive, there is a Possibility of your being entrusted with the Management of further Negotiations with Fyzoolah Khan: I must however request, that you will confine yourself wholly to the Enquiries above recommended to you; and even should the Rohilla Chief clear himself of all Suspicion to your Satisfaction, you will carefully avoid giving him any positive Assurances of the Company's Guarantee to his Treaty with the Vizier; but should he urgently and repeatedly require it, you will not wholly repress all Hopes of the Kind, but make yourself acquainted with his Motive for such Requisition, and leave it in Suspence until the Pleasure of the Honourable Board shall have been formally signified to you.

" I inclose you a Copy of the Treaty entered into between Fyzoolah Khan and the late Nabob Sujah ul Dowlah; which will enable you the better to judge how far the former has adhered to his Engagements with this Government."

Copy of a Letter from Mr. Daniel Barwell to Mr. Middleton;  
dated at Rampore the 26th of March 1778.

" The Evening of my Arrival at Rampore, the Capital of the Nabob Fyzoolah Khan, I waited on him, and delivered to him your Letter of Introduction, which intimated to him the Intent of my Mission.

" The Day following he returned my Visit; when I separately explained to him the several Reports that had been raised to his Prejudice, by accusing him of having broken many Articles of the Treaty granted him by the Indulgence of the late Vizier Sujah-ul-Dowlah: In each particular of these Reports, he replied in the fullest and most satisfactory Manner. Not thinking it proper to trust to his bare Affirmation on Points which, for his own Preservation, he would naturally deny, I requested him to issue immediate Orders for the mustering of all his Troops; for as that was the grand Point which would evince his Intentions, if hostile or friendly, it was necessary, I told him, I should arrive at a Certainty as to their Number and Strength, by the most expeditious Means; that therefore he must not put any unfriendly Construction on my Requisition, as, if he were conscious of not having broken his Treaty in this Respect, a fair Opportunity was now afforded him to wipe off the Stain of ill Faith; with which general Report had marked him, and to clear his Character of all Suspicion.

" With this Declaration he seemed well pleased; and the next Morning gave Orders for all his Troops to be summoned from the different Quarters of the Country: No sooner were they assembled, but I had them instantly mustered before me, when, instead of finding them to exceed the Number specified in the Treaty, I found, on the contrary, they rather fell short of it; upon enquiring of him the Cause of this, he informed me, that he did in Reality maintain in his Service Five thousand Troops, agreeable to his Treaty, and that the small Deficiency which appeared upon the present Muster, arose from some few being in distant Parts of the Country, who were not as yet come in. He further informed me, that he had scarcely Occasion for all the Troops he had in his Service, as a smaller Number would serve for his Collections, in which Business they were alone employed, but that he entertained them merely because that Number was expressly specified in his Treaty, lest he should be unexpectedly called on by the Vizier to assist him, when, if his Troops should be found to be incomplete, it might afford a Pretext for the Vizier's Displeasure. He then proceeded to tell me, that it must be evident to all, and I must be sensible, that these Troops were insufficient for any hostile Purposes, when the whole Power of the Rohillas had been with Ease subdued by the Vizier and his Ally the Company, and that therefore those who accused him of such Intentions, at the same Time accused him of Insanity, of which his Actions in general would sufficiently vindicate him; that, as for his holding a secret Correspondence with Zabita Khan, and others disaffected to the Vizier's Government, he offered to swear in the most solemn Manner, that such Assertions were utterly false; and observed, that they would not bear a strict and just Examination, for that a Correspondence of that Nature could not benefit him, while it might involve him in Troubles to his Ruin; it was therefore absurd to suppose he should enter into Connections, which must inevitably draw on him the Repentment of the Vizier, and in consequence of our Government, and in the End, Extirpation from his Country, without the smallest Appearance of Advantage to himself.

" After having endeavoured, by every Means in my Power, to discover if he did or did not keep up a Correspondence with any Chief disaffected to the Vizier's Government, that could lend him Assistance in Time of Need, and not being able, by the strictest and most diligent Enquiries, to trace any Thing of the Kind, I assured him, that I was conscious Report had wronged him, and that he had preserved every Article of his Treaty inviolate; indeed the Arguments he has offered in his Defence, carry great Weight with them, and shew a Justness and Deepness of Policy, arising from



“ from Consideration far superior to that of the Princes of India in general. If he has had a Communication with Zabita Khan, or other Powers that are at Enmity with the Vizier, it has been carried on in so occult a Manner as to defy Detection, for even his very Enemies cannot bring the Accusation home to him; it is therefore but just to suppose his own good Sense and Reflection have pointed out to him the Folly of engaging in Pursuits, to which he might have been courted, and that, strongly as he might be inclined to aid and assist his dispersed Countrymen, a Conviction that all his Endeavours would prove ineffectual of the End proposed, and draw down certain Ruin on himself, has led him to break off all Connection with them and their Party.

“ No sooner had I expressed myself satisfied as to the Unjustness of the Reports, than Fyzoolah Khan instantly informed me, that he had already made Application to you for a Renovation of his Treaty with the late Vizier, and the Guarantee of the Company, without which he affirmed he could not look upon himself as secure in his present Possessions. When I asked him his Reasons for these Fears, and for the Earnestness he expressed to obtain the Guarantee of the Company, he began to enter into a long Detail of the Vizier's Actions of late, and particularly mentioned his Resumption of several Grants made by his Father; and declared, that in so fluctuating a Government as the Vizier's, in which no Treaty was regarded as binding, he was under continual Fear of being oppressed by Violence and Injustice, and deprived of those Possessions he now held by virtue of his Treaty; that his Enemies had raised these Reports with a View to his Ruin, which upon the strictest Investigation had proved to be false and injurious; that from this, the Disposition of the Vizier's Court in general towards him was obvious; that it was at all Times in their Power to circulate Reports of this Nature, and that the Vizier, without enquiring into the Truth or Fallacy of them, might, under Pretence of Justice, dispossess him of his Country; that the Company were the only Power in which he had Confidence, and which he could look up to for Protection; that as they were the Allies of the late Vizier Sujah ul Dowlah, they were in a Manner bound to defend the Treaty made by him; that he, Fyzoolah Khan, had till lately imagined his Treaty had been granted to him under the Sanction of the Company, from Colonel Champion's affixing his Signature thereto as a Witness; that he therefore relied upon the Justice of the Honourable Board, the Representatives of the Company, to effectually prevent all Encroachments on the Part of the Vizier, as long as he should be observant of every Condition stipulated in his Treaty, by allowing it to be guaranteed in the Name of the Company, or by entering into a separate Agreement for his Defence and Protection.

“ If the Honourable Board have not already given you the provisional Power to grant the Guarantee of the Company to this Treaty with the Vizier, you will be pleased to transmit to them my Letter, that being made acquainted with the Unjustness of the Reports, and the Nabob's Motives for soliciting the Guarantee, they may determine on the Propriety of granting or withholding it.

“ Agreeable to your Injunctions, I have avoided, as much as lay in my Power, giving Fyzoolah Khan any positive Assurances of his Application for the Guarantee of the Company being complied with; though, from his assuring me his Continuance in his Dominions entirely depended on it, and that he should regard a Refusal as a tacit Order for him to withdraw to some other Country, I have been under the Necessity of encouraging him with Hopes of Success. I request you will favour me with your Instructions on this Point with all Haste, that my Stay here may not be longer than what is absolutely necessary.”

And Your Committee find, That Mr. Middleton having communicated the Proceedings on this Subject to the Council General at Calcutta, the Council General, on the 9th of March 1778, upon the Motion of the Governor General, approved of his having deputed Mr. Daniel Barwell to Fyzoolah Khan, for the Purposes represented in his Letter, and authorized him to grant the Company's Guarantee to the Treaty subsisting between the Nabob and him, provided he met with the Nabob's Concurrence; but if any Objection should be made to it, he was immediately to advise the Council General on the Subject, before he proceeded any further in that Negotiation — Which Concurrence your Committee find was given by the Vizier, and that the Company accordingly became Guarantees to the Jaghire granted by the Nabob to Fyzoolah Khan.

But this Act of Council did not pass without Opposition; for Mr. Francis, in a Minute delivered at Council, declared, “ that nothing is more notorious, than that the Nabob of Oude has no more Power in his Dominions than I have.” Mr. Francis disapproved of the whole Proceeding in very pointed Terms, and particularly referred it to the Consideration of the Company; a Copy of the Proceedings of the 9th of March 1778, Your Committee have thought proper to annex in the Appendix N<sup>o</sup> 1.

Your Committee cannot avoid stating to the House, a very extraordinary Circumstance which occurred in the Course of this Negotiation: When Mr. Middleton transmitted the Instrument which guaranteed the Treaty, it was signed by himself, and sealed with his Seal; the Nabob Fyzoolah Khan represented to Mr. Barwell, that the Guarantee which he had chiefly requested, and on which all his Dependence was placed, by not having the Seal of the Company, was not what he had from the Beginning so earnestly desired, and that nothing less than renewing the Guarantee, with the Company's Seal affixed to it, would convince him, that in Case of an Infraction of his Treaty on the Part of the Vizier, he should be befriended by our Government.

And Your Committee find, That when Mr. Barwell reported this Matter to Mr. Middleton, he



was excessively displeased that his Powers and Authority should be called in question. His Letter of the 20th of April 1778, to Mr. Barwell, which Your Committee have thought necessary to insert in this Place, will fully explain his Ideas of his own Consequence.

“ I have received your Letter of the 14th Instant, acquainting me that Fyzoolah Khan had declined the Acceptance of the Honourable Company's Guarantee to his Treaty with the Nabob Azoph ul Dowlah, under the Sanction you offered it to him; and inclosing me a Letter from that Chief to you on the Subject. As I consider the Doubts and Suspicions Fyzoolah Khan has thought proper to manifest, and indeed to declare, of my being duly authorized to act in this Business, as a personal Insult to myself, and as the highest Indignity to the Authority I have the Honour to represent; it is therefore incumbent upon me, as well in Justice to my own Feelings, as in Support of the public Authority vested in me, to insist upon his receiving the Guarantee in the Form, and under the Sanction, it has been transmitted to him, or upon your putting a Stop to all further Negotiation with him, and immediately withdrawing yourself from his Court. I cannot, consistently with my Duty and the Dignity of my Employers, assent to any other Alternative; for, to gratify Fyzoolah Khan in his present Demand, would not only be to deviate from an invariable Practice of the Service, and tacitly to submit to the Insult he has offered to my public Character, but would also be admitting a Precedent which might, and certainly would, be fraught with Consequences entirely destructive of that decisive Conduct on many Occasions expected from me, as well as allowing him to dictate to the Honourable Board, and in fact to arrogate to himself, the Right of prescribing the Terms of their Indulgence.

“ I shall not pay so bad a Compliment to the Honour and Integrity of Colonel Champion, as to yield to the Belief that Fyzoolah Khan would artfully attempt to impose, of the Colonel's having signed the Treaty with Sujah Dowlah as a Surety on the Behalf of the Honourable Company; the Tenor of the Treaty itself certainly justifies no such Suspicion; and if Fyzoolah Khan really believed that Colonel Champion's Signature made the Honourable Company Arbiters between him and the Vizier in case of Disputes, why should he for these Twelve Months past, with such earnest Solicitude, have been urging me to procure him the Guarantee of the Company? The Truth is, I do not believe he had even an Idea that the Signature of Colonel Champion, under the Circumstances it was affixed, in any Respect whatever involved the Company. I was upon the Spot when that Treaty was concluded, was privy to every Circumstance regarding it, and I never myself supposed, or heard it suggested, that the Company were understood to be Parties in it. Moreover, a Man of Fyzoolah Khan's Cautionness and Knowledge of Business, had he understood the Company's Guarantee to have been annexed to his Treaty with Sujah Dowlah, cannot be supposed to have suffered, on an Occasion of such Moment to himself, the Omission of that Sanction which alone could prove such Guarantee, which was in the Nature of Things necessary thereto, and the never-failing Custom of the Country require; I mean, the expressing in direct Words, that the Party signing his Name is become Guarantee for himself or Principals to the Convention bearing his Signature. I cannot therefore admit the Plea upon which Fyzoolah Khan grounds his Exceptions to the Guarantee now offered him; nor can I allow the unworthy Insinuations he has thrown out against Colonel Champion, to be either decent or justifiable. I entirely agree with you, that it is highly necessary for my Honour, to convince Fyzoolah Khan that I have not acted in this Business without a legal Sanction, and I am persuaded you have employed every Argument which the Subject would naturally suggest, to enforce that Conviction; but since those have failed, I cannot approve of the Expedient you propose, nor can I think of soliciting the further Interference of the Honourable Board in a Matter they have empowered me to conclude, and upon which they have long ago given me their final Instructions: I shall however duly transmit them a Copy of your Letter and its Inclosure; and acquainting them with the Steps I have taken in consequence, leave it to them to pursue such further Measures as to their Judgment shall seem meet. In the mean Time, I think it necessary to observe, that you will by no Means wait for the Receipt of my Answer from the Honourable Board, but immediately deliver to Fyzoolah the accompanying Letter (a Copy of which for your Perusal is also inclosed) requiring an explicit Answer from him, Whether he will or will not accept the Guarantee as already transmitted to you, and lodge with you a Counterpart of the Vizier's Treaty as sent from hence? and in case of his Non-compliance, return with all possible Expedition.”

Your Committee observe, That on the Conclusion of this Negotiation, Fyzoolah Khan paid a Lack of Rupees to the Vizier, as an Acknowledgment to his Superior; he also presented a Lack of Rupees to the Company, as a Testimony of his Gratitude for the Obligation he had received from the Company by their Guarantee.—Mr. Francis objected to the Acceptance of the Lack of Rupees for the Company; he thought it beneath the Dignity of their Government to accept it, and that it would discredit them in the Eyes of the Indian Powers; but the Majority of the Council were of a contrary Opinion, and agreed to accept the Present to the Company; and, in consequence of the Governor General's Motion, it was agreed, that he should write to Fyzoolah Khan to confirm the Obligation of the Company as Guarantee to the Treaty, which, he adds, “ will be equivalent in its Effect, though not in Form, to an Engagement sent him with the Company's Seal affixed to it.” And in Order to give the House the fullest Information upon this Subject, Your Committee think it proper to insert in the Appendix, N<sup>o</sup> 2, the Letters inserted in the Proceedings of the 4th and 21st May

May 1778, and the Council General's Proceedings thereupon, except such as are herein before inserted, and also Extracts from the Secret Letters from Bengal, of the 20th of March and 25th May 1778.

Your Committee find, That Mr. Middleton, the Resident at Oude, in his Letter of the 5th of December 1778 to the Governor General and Council, informs them, That on the Rupture with France he had suggested to Fyzoolah Khan, the Loan of Two thousand Horse, to serve under the Company's Orders during the Continuance of the War; and with a great Degree of Satisfaction he acquaints them, that he had received from Fyzoolah Khan a formal Offer of the Assistance suggested to him, and that this Offer was made without any apparent Reluctance on his Part, or the smallest Efforts on Mr. Middleton's Part, incompatible with the Dignity of the Company; that on the contrary, Fyzoolah Khan received the Proposition through his Vacqueel at the Court of Oude with an apparent Satisfaction, that convinced him that he was not only pleased, but highly flattered with the Idea of so close an Union of Interests as this Measure must necessarily establish between him and the Company. Appendix N° 3.

Your Committee having perused the Letter from the Nabob Fyzoolah Khan to Mr. Middleton, upon that Subject, and by him transmitted in the abovementioned Letter to the Governor General and Council, think it necessary to insert it in this Place.

" I learn that War has broke out between the illustrious English Chiefs and the Chief of the French Nation. I have no Connection with any Person in the World, except the Honourable English Company and the Gentlemen of the illustrious Council, and consider the Friends of the Honourable English Company as my Friends, and their Enemies in like Manner as mine. It is my Wish to perform such Services to the Honourable Company as may be a convincing Proof, to all the English Chiefs, of the Sincerity of my Attachment, and that the Warmth of my Zeal to execute their Pleasure, is the first Wish of my Heart; and I regard my Prosperity or Adversity as inseparably attached to their Fortune. In this Portion of Land which I enjoy through the Bounty of the English Chiefs, I am fixed securely, and am thankful for their Kindness to me, the Acknowledgment of which is my constant Employment as well by Night as by Day. Amongst the Five thousand good Troops which I retain in my Service agreeably to Treaty, are 2,000 Cavalry, which shall be sent to the Presence without Delay or Excuse whatsoever, whenever they are desired: Should it be the Pleasure of the English Chiefs to keep them with themselves, under their own Command, they shall, by the Blessing of God, remain with them agreeable to their Wish, and be employed on any Service they may think proper to direct them.

" As long as I live I will not deviate a Hair's Breadth from the Duties of Fidelity and Obedience to the English Chiefs; of this being perfectly assured, let me frequently experience the Pleasure of hearing from you."

And Your Committee find, That on the 28th of December 1778 (Appendix, N° 2.) the Council General of Bengal agree, not only to accept the Offer of 2,000 Horse from Fyzoolah Khan, but they desire him to hold them in Readiness for any Service that may be required; and at the same Time they return him the Thanks of the Council for this Mark of his faithful Attachment to the Company; and the Governor General was requested, by the Council, to write to Fyzoolah Khan; which he accordingly did on the 8th of January 1779, as follows:

" I have been favoured with your Letter, offering a Body of 2,000 Horse for the Service of the Company; and in my own Name and that of the Board return you our warmest Thanks for this Instance of your faithful Attachment to the Company and English Nation. We accept with Pleasure of your Offer, and request that you will keep the Horse in Readiness for any Service that we may have Occasion to require of them. Knowing me anxious for your Welfare, let me frequently have the Pleasure to hear from you."

And Your Committee find, That before the Resolution of the Council was known, the Resident wrote to the Council General on the 26th of December 1778, as follows:

" I have the Pleasure to acquaint you, that the Nabob Fyzoolah Khan, upon an Application made him by Lieutenant Colonel Muir, very readily furnished him with 500 of his best Cavalry."

And in his Letter to the Council General of the 26th of January 1779, he writes,

" It affords me particular Satisfaction to find that the Honourable Board's Wishes, respecting a Part of this Force, have been anticipated, as they will have learnt, from my Address of the 23d of December, that a Body of 500 Horse was sent by Fyzoolah Khan to the Assistance of Lieutenant Colonel Muir, in repelling the late Invasion of the Seicks."

And Your Committee further find, That the Council General of Bengal, in their Letter to the Court of Directors of the 1st of February 1779, give the following Account of this Transaction:

" We lately received Intelligence, that several Parties of the Seicks had crossed the Ganges, entered Rohilcund, and begun to commit Depredations in that Country, but they were soon repulsed by some small Bodies of the temporary Brigade, immediately detached to the Gaits for that Purpose.

" We

" We thought this a fit Occasion to avail ourselves of a voluntary Offer made by the Nabob Fyzoolah Khan, on hearing of the French War, to maintain a Corps of 2,000 Cavalry, which should be always ready for the Service of the Company when they might be demanded, and therefore requested the Aid of such Part of it as he could immediately spare to repel the Seicks. We have the Pleasure to acquaint you, that he, without Hesitation or Delay, supplied 500 Men, who marched to join and co-operate with the Forces employed on that Service."

Your Committee having observed in the Bengal Secret Correspondence, a Letter from Fyzoolah Khan to his Vacqueel Bucktawa Sing, that describes not only the Manner by which he was prevailed on to make the Offer of 2,000 Horse, but also his Readiness to carry it into Execution, under certain Restrictions; and also a Letter from him to the Governor General, descriptive of his own Situation, Your Committee have thought proper to insert the same in this Place.

Copy of a Letter from Fyzoolah Khan to his Vackeel, Bucktawa Sing.

" Every one of the English Gentlemen and Officers of the Army residing in this Quarter, write to me respecting the Business in Hand, and other Matters, as it seems best to him. If I comply with every Thing which each of them writes or says to me, they are pleased; if I act otherwise, they are angry, and shew their Resentment by Accusation and false Charges against me: In this Dilemma, I know not how to act. Do you represent these Matters to the Governor, and state to him, that I can act under the Orders of One Person, but not under a Number; and write me Word, what Answer he gives. Further, prevail on the Governor to write me a Letter with the Name of the Gentleman I am to attend to, and send it to me, that I may act accordingly, and disregarding the Orders of every one who chuses to direct me, may not trouble myself whether they are angry or pleased.

" Mr. Middleton wrote me, that a War had broke out between the English and French, and desired that I would send him a Letter agreeable to a Draft he inclosed me; and I accordingly wrote to him and the Governor agreeable to the Draft, the Contents of which you may learn from a Copy of it. The Case is, that my Horse are ready to go any where, and upon any Service they may be desired, and will act with Vigour and Spirit on all Occasions; but they will not learn the English Exercise, or be subject to the Subaltern Officers of the Army, such as Adjutants, &c. Make a Representation of this Matter, which is highly necessary; for should they be expected at the Time of Action to perform the English Exercise, it would occasion a Disappointment, which would be very improper."

Copy of a Letter from Fyzoolah Khan to the Governor General.

" I have been honoured by your very friendly Letter, under Date the 29th of Rubbe Assanie (17th May) which afforded me the utmost Pleasure: In your Favour I know my Happiness to depend, and to that I constantly look, and pray for the Increase of your Power and Riches. You must well know, that I hold no Connection with any one but yourself, and that I consider the Success of my Affairs as entirely dependent on your Kindness. The gracious Orders you were pleased to send me, to transact all my Affairs through the Resident at Lucknow, I regard as a striking Instance of your Friendship; and by the Blessing of God, I shall invariably conduct myself agreeably thereto; and I am hopeful, that should other Gentlemen, in consequence of my not suffering them to meddle with my Affairs, be displeased, and write you any Thing to my Prejudice, you will regard it as proceeding solely from Disappointment of their selfish Views.

" Regarding me as submissive on all Occasions to your Pleasure, and firmly attached to you, I hope for the Continuance of your Favour. For further Particulars, I beg Leave to refer you to my Vackeel, Roy Bucktawa Sing."

Your Committee having examined the Bengal Secret Consultations of the 30th of October 1780, find therein, a Copy of a Letter from Brigadier General Stibbert to the Governor General and Council of Bengal, dated Fort William, 28th October 1780; in which is the following Passage:

" I presume, that on a Perusal of the Major's Letter, the Necessity of pressing both the Vizier and Fyzoolah Khan to contribute effectually to the Protection of the Rohilcund, will not fail to appear to the Board."

The Letter mentioned as above, appears, by the above Consultations, to have been from Major Brisco to Lieutenant General Sir Eyre Coote, dated Daranagur, October 1st 1780; an Extract of which is as follows:

" On my being appointed and taking the Command at Daranagur, I was not honoured with any Instructions from you, regarding the Nabob at Rampona. Fyzoolah Khan's Troops, I have only 500 of his Horse; and the Nabob in his Agreement with Government, is obliged to keep up 5,000 Troops, for assisting in the Defence of Rohilcund. A few Months ago, Three Battalions were

“ were stationed here with Colonel Muir, besides a Body of the Nabob Fyzoolah Khan's Cavalry, and they were well employed, and had enough to do in protecting the Country from Invasion. The Command is greatly reduced, One Battalion taken away, and Fyzoolah Khan has not afforded more than 500 Men since I have been here, which is a great deal too small a Force from him, as I acquainted you in my former Letters, Two Battalions was too small a Command to defend Rohilcund from Invasion. I want a large Detachment from the Nabob.

“ I understood you intended ordering the Nabob to furnish 1,500 Men when you recalled the Battalion; and it is absolutely necessary that he should, as they are very much wanted on the Frontier Stations, where I have my Detachment.

“ I hope to be honoured with your Directions relative to Fyzoolah Khan's Troops, as soon as convenient; I wait the Honour of your Instructions.”

On the 2d Day of November 1780, the Governor General and Council, in their Secret Department, agreed, “ That the Governor General be requested to write to the Nabob Vizier, recommending to him to require from Fyzoolah Khan the Quota of Troops stipulated by Treaty to be furnished by the latter for his Service, being *Five thousand Horse*, to be put under the immediate Command of Lieutenant Colonel Muir, commanding at Futtu Ghur.”

In consequence of which, the Governor General, on the same Day, writes to the Nabob Vizier, desiring him to require from Fyzoolah Khan the Quota of Troops stipulated by Treaty to be furnished by the latter for his Service, being *Five thousand Horse*, to be put under the immediate Command of Lieutenant Colonel Muir, commanding the Detachment at Futtu Ghur.

The Governor General and Council, in their Secret Letter to the Court of Directors, of the 29th of November 1780, Paragraph 36, thus say;

“ We have also strongly recommended to the Nabob Vizier to require from Fyzoolah Khan the Quota of Troops consisting of *Five thousand Horse*, stipulated by Treaty to be furnished by the latter; and we do not doubt of his ready Obedience to the Requisition.”

The Nabob Vizier having received the Governor General's Letter, he wrote to Fyzoolah Khan accordingly, and received his Answer thereto; which Letter and Answer, with other Papers, were sent as Enclosures in Letters from the Nabob Vizier to the Governor General, and were read in the Secret Council the 15th of February 1781, and are as follows:

Copy. Translation of a Letter from the Nabob Vizier to the Governor General;  
dated 21st January 1781.

“ I have been honoured by the Receipt of Two Letters from you, desiring me to write to the Nabob Fyzoolah Khan, to lose no Time in sending to Colonel Muir, the Commanding Officer at Futtu Ghur, *Five thousand Horse*, agreeable to his Engagement with me. As I am from my Heart attached to the English Company, to you, and to the Gentlemen of the Council, therefore, knowing this Matter to be necessary, I wrote to Fyzoolah Khan, directing him to send the *Five thousand Horse* to Colonel Muir. A Copy of that Letter I now enclose for your Information, and Copies likewise of all the Engagements entered into by the late Nabob, and by me, with Fyzoolah Khan (although you most likely have got Copies;) from those you will learn all the Particulars of his Engagement. I, who am from my Heart attached to the Company, and to you, am ready in all Times of Need; and it is necessary that the Nabob Fyzoolah Khan should send, without Delay, the *Five thousand Horse*. Should he mention any Thing of the Tenor of the Treaty, the first Breach of it has been committed by him, in keeping up more Men than allowed of by the Treaty: I have accordingly sent a Person to settle that Point also. In case he should mention to me any Thing respecting the Treaty, I will then reproach him with having kept up too many Troops, and will oblige him to send the *Five thousand Horse*; for if, when the Company's Affairs, on which my Honour depends, require it, Fyzoolah Khan will not lend his Assistance, what Use is there to continue the Country to him? I therefore write for the Information, that in case of any Delays on the Part of Fyzoolah Khan, I will settle the Company's Matters with him.”

Copy. Translation of a Letter from the Nabob Vizier to the Nabob Fyzoolah;  
sent as an Enclosure in the above Letter.

“ The ancient and firm Friendship subsisting between me and the Company, and the Nabob Amaud ul Dowlah, Governor General, Mr. Hastings, Jolladut Jung, is well known to be on such intimate Terms, that I consider all the Company's Concerns the same as my own; between me and you likewise there is a Friendship, with equal Connection and Similarity of Interest. At this Time, that Assistance is required for the Company's Army, I have received a Letter from the Nabob Governor, directing me to call upon you for Five thousand Horse, to be stationed with Colonel Muir, who commands the English Troops at Futtu Ghur, and to be employed for the  
“ Company's

“ Company’s Service as he shall think proper. I therefore write, that you, without Delay, send *Five thousand Horse* to Colonel Muir, that they may act for the Company as he shall direct; this will give Increase to our Friendship, and Satisfaction to the Nabob Governor. I am from my Heart ready to exert myself for the Company’s Interests, and it is necessary that you likewise unite yourself to them. Let there be no Delay in this, but send the *Five thousand Horse* to Colonel Muir with all Expedition.”

Copy. Translation of a Letter from the Nabob Vizier to the Governor General.

“ I enclose the Original of the Answer which Fyzoolah Khan has sent to the Letter which, agreeable to the Orders, I wrote to him, requiring *Five thousand Horse* to be sent to Colonel Muir. My Connection in all the Company’s Interests, and my Resolution to remain connected, has been often made known to you; that to the Risk of my Life and Possessions will exert myself for their Interests; will now write to the Nabob Fyzoolah Khan, and make him act as you shall order me. From the Distance between us, a long Time is lost in sending Letters and receiving the Answers, but I hope the Answers to my Letters on Points of this Importance will be sent with all Expedition, and that I may be informed of all your Sentiments on these Matters, that I may execute them accordingly.”

Copy. Translation of a Letter from Fyzoolah Khan to the Nabob Vizier.

“ I have been honoured by the Receipt of your gracious Letter, and understood the Contents. You mention, that between your Highness and the Company, and the Nabob Governor Mr. Hastings, and the Gentlemen of Council, there is no Distinction, but all the Affairs and Concerns on both Sides, which may occur, are the same; and that you are so favourably and amicably inclined towards me, that the Interests of your Highness’s Circar and mine are the same; that at this Time, when the victorious Army of the Company is engaged on all Sides, it is incumbent on me to furnish Assistance, and that on this Subject you have likewise received a Letter from the Nabob Governor, directing you to write to me about the sending a Body of Horse to join Colonel Muir, who commands the English Troops at Futty Ghur, and about the ordering them to employ themselves in the Company’s Service, according to the Colonel’s Orders: The Contents of this convinced me of your Favour and Affection for me; in Return for which, may the Almighty grant you his Protection. The Case is this, that in the whole World I have no Connection with any Power, except your Highness’s House and the Nabob Governor, and consider my whole Advantage and Happiness in giving Satisfaction to your Family, and to the Honourable English Gentlemen; and in consequence of that, I am at all Times ready to perform your requisite Services.

“ It is well known, that *Five thousand Men* have been allowed me, and the Assignments made for their Expences, since the Time of the Treaty of Loll-Dong; these consist of *Two thousand Horse* and *Three thousand Foot*, which, in consequence of our intimate Connection, are equally yours and the Company’s. Of these *Two thousand Horse* in my Service, One thousand are stationed at Duranagur, under Major Briscoe, and are employed Day and Night according to his Orders; the remaining Thousand Horse in my Service are with me. Should the Thousand Horse at Duranagur not be wanted there, then the whole Thousand shall be sent to Colonel Muir at Futty Ghur; or in the other Case, the remaining One thousand, which are with me, shall be sent to Futty Ghur whenever you require it, that they may there, under the Orders of Colonel Muir, perform the Duties of Bravery in the Service of the Company. The Three thousand Foot are for the Management of the Concerns of my Jaghire, and without them the Collections can never be made in Time; accordingly, very lately, in the Mahals of your Highness’s Circar, Cashypore, Roderpore, and the other Hill People, and Rebels of the Atreery and Bhokfa Casts, who reside under the Protection of the impenetrable Junghill on the Hills, began Hostilities, and I, at the Desire of your Highness’s Naib, on Account of our Intimacy, sent immediately a Body of Foot, and settled the Affairs of these Mahals; doubtless you will have heard of this, so that there was no Necessity for my mentioning it. In short, that I am obedient to the Orders of your Highness, and of the Nabob Governor, and the Honourable Gentlemen of Council, and shall not vary a Hand’s Breadth from them; but consider my Honour, Reputation, Security, and Advantage, to consist in performing them implicitly. I am hopeful that, considering me as a faithful Subject, you will honour me with frequent Letters. Further Particulars you will learn from Alif Khan, my Vackeel at your Presence.”

After which the Governor General, in his Minute entered in the above Consultation, says,

“ It appearing from the above, that the Nabob Fyzoolah Khan has evaded the Performance of his Part of the Treaty between the late Nabob Sujah ul Dowlah and him, to which the Honourable Company were Guarantees, and upon which he was lately summoned to furnish the stipulated Number of Troops which he is obliged to furnish on the Condition by which he holds the Jaghire granted to him.”



Upon which the Governor General moved, " That a Deputation be immediately recommended to be sent to him from the Nabob Vizier, accompanied by an Agent from Mr. Middleton in Behalf of this Government as Guarantees, and that, in the Presence of proper Witnesses, they do unitedly insist upon the following Clause :

" That he shall consider the Vizier's Friends as his Friends, and all his Enemies as his own ; that with whomsoever the Vizier shall declare War, Fyzoolah Khan shall join with his Army Two or Three thousand Men, to the utmost of his Ability ; and that if the Vizier marches against any Enemy in Person, he shall then bring his whole Army to join him ; and if he is unable to join him, because the Number of 5,000 Men, to which his Standing Army is limited, are too few, in such Case he shall have Leave to raise 4,000 more, that he may then join him with a sufficient Force, and these Expences shall be defrayed."

" Demand immediate Delivery of 3,000 Cavalry, and if he should evade or refuse Compliance, that the Deputies shall deliver him a formal Protest against him, for Breach of Treaty ; and return, making their Report to the Vizier, which Mr. Middleton is to transmit to the Board."

" In the Case of Compliance of Fyzoolah Khan, by the Delivery of the Horse required, Mr. Middleton should be directed to establish some Mode of securing a Fund for the regular Payment of them, that they may not, from want of Pay, become troublesome instead of useful, or the Company run the Risk of being involved by the Necessity of making Advances to them."

Which Motion of the Governor General's was ordered accordingly ; and Instructions were sent to Mr. Middleton, the Resident at the Vizier's Court, to the Effect abovementioned ; and the Governor General and Council, in their Secret Letter to the Court of Directors, of the 27th of April 1781, advise them of their Proceedings respecting Fyzoolah Khan, in the same Terms as are expressed in the Instructions to Mr. Middleton.

And Your Committee having perused the Bengal Secret Consultations of the 4th of June 1781, find therein Two Letters from Mr. Nathaniel Middleton to the Governor General and Council of Bengal, dated at Lucknow, the 13th of April and the 5th of May 1781, with several Enclosures ; and as the above Letters, with the Enclosures, contain a full Account of the Mission to Fyzoolah Khan, in consequence of the above Instructions, Your Committee thought they could not better explain that Transaction, than by inserting the same in this Place.

Extract of a Letter from Mr. Nathaniel Middleton to the Governor General and Council of Bengal ; dated Lucknow, 13th April 1781.

" Having, agreeably to your Instructions, proposed to the Vizier, that a Deputation should be sent to the Nabob Fyzoolah Khan, to demand the stipulated Number of Troops which he is engaged by Treaty to furnish at his Excellency's Summons, but which, on a former Application, he had evaded complying with ; and informed the Nabob, that I should appoint Mr. Richard Johnson, my Head Assistant, to accompany the Agent he might select for the Execution of this Commission, in Behalf of the English Government, as Guarantees to the Treaty subsisting between him and Fyzoolah Khan ; his Excellency thought proper to give his Nomination also to Mr. Johnson ; who accordingly left Lucknow the 26th ultimo, with a Copy of the Instructions I was honoured with from the Board for his Guidance.

" I have the Honour to lay before you, a Copy of the Vizier's and my Letters to Mr. Johnson and the Nabob Fyzoolah Khan, on the above Subject ; and I shall not fail to communicate to your Honourable Board the earliest Information of the Result of this Mission, that you may adopt such further Measures as you may deem expedient."

Copy of a Letter from Mr. Nathaniel Middleton to the Governor General and Council of Bengal ; dated the 5th of May 1781.

" In my Address of the 13th April, I did myself the Honour to inform you, that in Obedience to your Orders of the 15th February, I had deputed Mr. Richard Johnson, my Head Assistant, to Rampore, the Capital of Fyzoolah Khan, and that the Vizier had likewise appointed that Gentleman on his Behalf.

" I have now the Honour of laying before you, Copies of the Letters written to me by Mr. Johnson during this Mission, with a complete Account of his Proceedings, ending with the Protest which he found himself obliged to make upon the Nabob Fyzoolah Khan's Refusal to grant the Three thousand Cavalry demanded by the Vizier.

" The Nabob Vizier has on his Behalf written to the Governor General on this Subject ; upon which there remains nothing for me to add, having, as I trust, executed the Commands I was honoured with. It now rests with the Board to take such Measures as they may deem fit, to bring the Matter to a Conclusion."

The following Letters were sent as Enclosures in the above Letter of the 5th May 1781.

Copy of a Letter from the Nabob Vizier to the Nabob Fyzoolah Khan ;  
dated the 18th Rubbee Ulawul 1195.

“ Respecting the Demand of Troops for the Company’s Service, which was before made from  
“ you, you wrote, that you would supply Two thousand Horse ; the Answer to this, with all the  
“ Negotiations necessary for the settling this Point, which will be made known to you by Mr.  
“ Johnson, who is going to you on the Part of the Governor and Council, of me, and Mr. Mid-  
“ dleton. It is incumbent on your Friendship to grant whatever Mr. Johnson shall ask for the Ser-  
“ vice of the Company, and to give him Satisfaction.”

Copy of a Letter from Mr. Middleton to the Nabob Fyzoolah Khan ;  
dated 30th Rubbee Ulawul.

“ Before this, a Letter was written to you by his Excellency the Nabob Vizier, agreeable to the  
“ Directions of the Governor General, respecting *Five thousand Horse* (Tooock Sawars) for the Com-  
“ pany’s Service ; in Answer to that, you mention Two thousand Horse (Sawars) which appears to  
“ his Highness the Governor General to be contrary to the Terms of the Treaty, and to be an  
“ Evasion on your Part : The Governor General and Gentlemen of the Council have therefore, after  
“ mature Consideration, been pleased to order, that a Person of Trust be sent from hence to you, to  
“ explain and adjust this Breach of Treaty ; accordingly Mr. Richard Johnson has been deputed to  
“ you on the Part of his Excellency and on mine ; he will acquaint you with all Particulars, and  
“ will receive your Answer.”

Copy of a Letter from Mr. Johnson to Mr. Middleton ; dated Rampore 1st April 1781.

“ I have now the Honour to inform you of my safe Arrival here : I have been received with every  
“ becoming Attention, from which, arguing upon the Opinion I have imbibed from the Informations  
“ I gathered at Berelly, I am unwilling to draw any favourable or flattering Inferences relatively to  
“ the Object of my Mission ; however, without prefaging, as the Event is so near, I shall content  
“ myself with informing you, that having received the Visit of Ceremony this Morning, To-morrow  
“ Evening is fixed upon for returning it, when I shall deliver my Credentials ; and appoint a Time for  
“ the further Discussion of what I have to say ; in the mean Time I beg Leave to trouble you with  
“ Information of such Circumstances as have come to my Knowledge by being upon the Spot, and  
“ are relative to the present Business.

“ *The Jaghire itself is, what the Whole of Rohiltund was, under the Government of the Robillas, a*  
“ *Garden without an uncultivated Spot ;* and at the Time that it was assigned, under certain Stipula-  
“ tions, to Fyzoolah Khan, as an Income of 14,75,000 Berelly Rupees, it yielded a Revenue of  
“ between Twenty and Thirty Lacks, but as he himself was the Chooser, so he was the Appraiser ;  
“ none of the Vizier’s or our People at that Time knowing, or having had Opportunity to know, any  
“ Thing of the Value in Detail of the Rohilla Lands ; so that this Chief, from receiving and  
“ collecting about Three Lacks under his Countrymen, was raised to Ten Times his then Condition,  
“ Power, and Wealth, by being defeated by the English. However, that Piece of Luck is out of the  
“ question, while the Fraud of the mistated and concealed Value of the Jaghire is more deserving  
“ of Notice ; and so far did the Artifice and Cunning of Fyzoolah Khan carry him, that, to hide the  
“ Overplus, he complained that his Jaghire did not yield the Amount for which it was granted ;  
“ and in Consideration of this Complaint, received an Order upon the Aumil of Rohiltund, for an  
“ annual Payment of Four thousand Rupees : Not even satisfied with this, he again complained, that  
“ he had not sufficient Influence with the Aumil to obtain regular Payment, and therefore requested  
“ to have Lands granted him for the Amount ; which being also acquiesced in, he found Means to  
“ get Lands for double the Sum. The Aumil, at this Moment, receives Credit, or a Deduction  
“ from the Circar for 4,000 Rupees, whilst he gives the Farmer of the Pergunnah from which  
“ these Lands are severed, Deduction for 8,000 Rupees ; and what is more remarkable is, that  
“ the Allowance for a *Deficiency* is continued while a public Treaty exists, giving up the Surplus  
“ Revenues of the Jaghire to Fyzoolah Khan. And here it may be proper to explain, that the Treaty  
“ for giving him up the Excess of the Collections above the stipulated Revenues, granted to  
“ Fyzoolah Khan, is under the Name of Towfier, which means, an Increase of Revenue by Increase  
“ of Cultivation since the original Grant—the very Reverse of the Fact with regard to Rampore, as  
“ Fyzoolah Khan’s Excess of Revenue lays in a fraudulent Valuation at the Time of the Grant ; that  
“ Treaty is therefore of itself null.

“ Nor is the original Treaty to which the English are Guarantees less trespassed upon ; one most  
“ pointed Part being, that no *one* Man more than 5,000 Rohillas shall be allowed to remain  
“ on this Side of the Ganges ; whereas, at this Moment there are not less than 20,000 Rohilla  
“ Soldiers in the District of Rampore alone, to say nothing of the immense Numbers in Pellubear ;  
“ Clentah,



" Clentah, Amoah, &c. which latter it is not so much in Fyzoolah Khan's Power to prevent. Upon this Clause the Grant runs, and is of course forfeited.

" I have thought it incumbent upon me to furnish you and his Excellency the Vizier with this Information, authenticated from the Spot, that the Parties may know the respective Ground they stand upon.

" I shall do myself the Honour of addressing you again after my next Meeting.

" P. S. I may add to the above Information, a Remark, that could not fail striking me the Moment I entered this Country, that it will be but a small Loss indeed should the Nabob continue to refuse the Cavalry demanded of him; for in the Course of my Life, I have never seen or heard of any Thing less like a Trooper or a Soldier, than is so called Cavalry or Infantry."

Copy of a Letter from Mr. Johnson to Mr. Middleton.

" I had Yesterday the Meeting mentioned in my last Address to you, when I delivered my Credentials from you and his Excellency the Vizier; and this Morning was appointed for the Explanation of what I further had to say. The Nabob Fyzoolah Khan came to my Tents; our Conversation, to my no small Astonishment, was short to a Degree, for I had no sooner stated the Claim for 3,000 Cavalry, to which I was to require his Answer, than he gave me a flat Refusal, which he told me he meant to abide by; and having repeated my Question, offering him Time to consider upon his Reply, as I was in no Hurry, he declined the tendered Delay, repeating his absolute Refusal.

" I therefore had no Option; but, in Compliance with the Orders of the Board, received through you, I drew and delivered him my Protest, witnessed by Major Balfour, who came with me from Berelly for that Purpose, and by Mir Mahomed Hussain, who wrote the Paper, an authentic Copy of which, in the Hand Writing of the Nabob Fyzoolah Khan's own Moonshiee, I have the Honour herewith to transmit to you, together with a Memorandum of a palliative Offer made by the Nabob, as he said conformably with the Treaty, which I put down at his particular Desire, but otherwise useless, as my Orders were not to receive any Palliation, but a Negative or Affirmative.

" Having nothing further to do here, I shall proceed To-morrow Morning with the utmost Dispatch for Lucknow."

A Copy of the Translation of the Protest mentioned in the above Letter.

" Having, agreeably to the Orders of the Honourable Governor General and Council, under Date the 15th February 1781, and the consequent Commission of the Nabob Vizier, and Nathaniel Middleton, Esquire, demanded from the Nabob Fyzoolah Khan to deliver to the English, in Conformity to the Treaty and Treaties preceding this Date, by which he holds his Jaghire, a Body of *Three thousand Cavalry*, to be employed whenever the Exigencies of the Service may require; and also, conformably to the above-mentioned Orders, having further demanded Assents for the Payment of such Troops;

" The Nabob Fyzoolah Khan, in Reply, agreed, that he would, in Compliance with the Demand, and in Conformity to the Treaty, which specified no definite Number of Cavalry or Infantry, only expressing Troops, furnish 3,000 Men; viz. he would, in Addition to the 1,000 Cavalry already granted, give 1,000 more when and wheresoever required, and 1,000 Foot—That with regard to Pay, he would give the Whole 3,000 One Year's Pay in Advance, and if the Exigencies of the War should require their Absence for a longer Time, he would furnish Mr. Middleton, or whomsoever may be properly authorized to receive it at Lucknow, further Funds for the Continuance of the Pay of the said 3,000 Men, as long as the Duration of the War might require it."

[Copy. Translation of a Letter from the Nabob Vizier to Mr. Hastings.

" I once before had the Honour to address you upon the Subject of Fyzoolah Khan, stating the Injury and Irregularity in the Management of the Provinces bordering upon Rampore, arising from that Chief having the uncontrolled Dominion of that District. I also before represented to you, his Refusal of your First Demand, through me, for Cavalry; and I learn, by Letters from Mr. Johnson, whom I lately deputed, in consequence of your and the Board's Desire, to authenticate the Answer from Fyzoolah Khan, that he has again repeated that Refusal, in direct Breach of the Treaty: It would therefore now seem no more than just, intirely to resume the Grant, and leave the Nabob Fyzoolah Khan to join his other faithless Brethren that were sent across the Ganges; but knowing the great Lenity and Delicacy with which you treat even those who offend you, and willing that a Treaty to which the English are Guarantees, should, even when broken, bear Marks of the honoured Stamp it has once received; I propose to stop the Evil first above alluded

“ alluded to, that the Lands be resumed, and the Amount stipulated in the original Treaty be, through the Mediation of the English, continued in ready Money Payment from the Treasury, under the Deductions also stipulated in the Treaty for the furnishing a Body of Troops from Three to Five thousand, which, at the Rate of their own established Pay, I shall be very happy to see transferred to the English, to assist further in defraying the Charges of the present War; and I may safely presume, that the Money will be of much more Use than such Troops, by what I have seen of them myself—an Opinion now strongly confirmed in Mr. Johnson’s Letter.

“ A Treaty broken in One Instance need not require proving a Second to render it null, or I might inform you, that the fundamental Clause upon which the Grant turns, which is, that not One Rohilla above 5,000 shall be permitted to remain on this Side the Ganges, has constantly been from the First, and continues to the present Moment, infringed in the extremest Degree, by the Multitude of that Cast now in Rampore and Rohilkund.

“ I trust you will also think, that whatever Fyzoolah Khan’s private Feelings, as a Man ever fond of being vested with Power, may suggest, that in fact changing his Jaghire for a Pension, received through the Medium of the English, must, in Reason and Fact, be an Advantage to him in point of Money, as it is cleared of the Deduction of Charges of Collections, which he must now incur by holding Lands as the Medium and Mode of receiving his stipulated 14,75,000 Rupees; and as for any Surplus Money he may collect above that Amount, he never can legally hold forth his Right to it, for the Treaty granting him Towfier will in no Shape support it, as it is proved to Demonstration, that his Excess of Collections, instead of arising from an increased Cultivation, is in fact a Fraud in the First Valuation.

“ Upon the Whole, I flatter myself with your Consent to a Measure by which my Government will be eased of an immediate Evil, relieved of a Cause of constant Apprehension in the Event of an internal Commotion or Invasion, at the same Time preserving the English Honour as Guarantees, and also yielding an Advantage to the Company in assisting in the Charges of the War.”

In the above Consultation, the Governor General and Council, after reading the last-mentioned Letters and Inclosures, agree (without any Debate) “ That a final Resolution on the Subject of the above Letter, and the Papers accompanying it, be suspended to another Occasion.”

And Your Committee further find, That within a few Weeks after this Resolution had passed the Council, the Governor General proceeded up the Country, where he staid some Time; during which, on the 19th of September 1781, he entered into an Agreement, on Behalf of himself and Council, with the Nabob Asoph ul Dowlah; the Third Article of which, as it relates to the before-mentioned Transaction, Your Committee think necessary to insert, with the Governor General’s Remarks on it.

Copy of the Third Article agreed to by the Governor General, on Behalf of himself and Council, at the Representation of the Nabob Asoph ul Dowlah, on the 19th Day of September 1781, with the Governor General’s Remarks on it.

#### Article 3<sup>d</sup>.

That as Fyzoolah Khan has, by his Breach of Treaty, forfeited the Protection of the English Government, and causes, by his Continuance in his present independent State, great Alarm and Detriment to the Nabob, he be permitted, when Time shall suit, to resume his Lands, and pay him in Money, through the Resident, the Amount stipulated by Treaty, after deducting the Amount and Charges of the Troops he stands engaged to furnish by Treaty, which Amount shall be passed to the Account of the Company during the Continuance of the present War.

#### Governor General’s Remarks.

The Conduct of Fyzoolah Khan, in refusing the Aid demanded, though not an absolute Breach of Treaty, was evasive and uncandid; the Demand was made for *Five thousand Cavalry*, the Engagement in the Treaty is literally for *Five thousand Horse and Foot*; Fyzoolah Khan could not be ignorant that we had no Occasion for any Succours of Infantry from him, and that Cavalry could be of the most essential Service. So scrupulous an Attention to literal Expression, when a more liberal Interpretation would have been highly useful and acceptable to us, strongly marks his unfriendly Disposition, though it may not impeach his Fidelity, and leaves him little Claim to any Exertions from us for the Continuance of his Jaghires. But I am of Opinion, that neither the Vizier’s nor the Company’s Interests would be promoted by depriving Fyzoolah Khan of his Independency, and I have therefore reserved the Execution of this Agreement to an indefinite Term, and our Government may always interpose to prevent any ill Effects from it.

And in order to shew to the House in what Light the Court of Directors considered the Proceedings respecting Fyzoolah Khan, Your Committee think it necessary to add the 62d, 63d, and 64th Paragraphs of the Company's General Letter to Bengal, of the 12th of July 1782.

" Par. 62.—From the Appearance in the Correspondence on your Secret Consultations of 14 June 1781, between Mr Middleton, our Resident at Oude, and Mr. Johnson, who was sent to Fyzoolah Khan, a Rohilla Chief, to require from him the Quota of Troops with which by Treaty he was bound to furnish the Vizier, we cannot but be under some Apprehensions for the Event.

" Par. 63.—It is exceedingly proper that your Government should see that Fyzoolah Khan fulfils his Engagement with the Vizier, according to the Treaty guaranteed by the Company; but we wish rather to be considered as the Guardians of the Honour and Prosperity of the Native Powers of India with whom we are in any Degree connected, than as the Instruments of Oppression; we hope and trust therefore, that no hostile Steps have been taken against the Rohilla Chief.

" Par. 64. —To procure and maintain the Peace of India—to quiet the Fears of the neighbouring Powers, who from the Conduct of our Servants have had too much Reason to be jealous of our Encroachments—to adhere strictly to Treaties, and never to be the Aggressors—to secure to the Natives under the immediate Government of the Country, the undisturbed Exercise of their Religion and Customs, and to encourage Cultivation, Manufactures, and Commerce—are the Means by which we hope to regain the Confidence of the Native Princes and the Attachment of the People; by such Means, and by such alone, we may hope to see our Affairs once more flourishing, and Permanency again given to the Company's Possessions in the East Indies."

And Your Committee find, That the Court of Directors did resume the Consideration of this Subject in February 1783. They have investigated it with a Degree of Accuracy and Precision, not usually to be found in the Course of their Proceedings; and they have agreed to Resolutions, highly proper for the Court of Directors to adopt upon a Point of so much Importance as the due Observance of a public Treaty. Your Committee will here state them at large, as follows:

Extract of the Company's General Letter to Bengal, dated the 14th February 1783.

the  
ty with  
Vizier.

" With respect to the Third Article \*, regarding Fyzoola Khan, the Rohilla Chief; before we could form an Opinion upon it, we were led to an Examination of such Parts of your Records as in anywise related to him.

" We found, that at the Conclusion of the Rohilla War in 1774, a Treaty was made between the late Sujah Dowlah and Fyzoola Khan; whereby the latter, on certain Conditions, was put into the Possession of Rampore, and some other Districts in the Rohilla Country. Though it does not appear, upon the Face of the Treaty, what Equivalent was made to the Vizier; yet we find, by a Letter from Colonel Champion, entered on your Consultations of the 31st October 1774, that Fyzoola Khan was to give the Vizier Half his Treasure.

" On the 9th March 1778, a considerable Time after the Death of Sujah Dowlah, you were informed, by the Resident at the Vizier's Court, that there were Reports of hostile Intentions in Fyzoola Khan. The Resident added, That the Rohilla Chief might be justly alarmed by the Nabob's Resumption of a Number of Jaghires granted by his Father, and by his oppressive Conduct in general. You were likewise informed, that Fyzoola Khan was solicitous to obtain the Guarantee of the Company to his Engagements with the Vizier; and the professed Motives of the Resident, for sending a Deputation to Fyzoola Khan, were, " That in case of the latter's acquitting himself, it would give him a Confidence in the Company, which might induce him to look up to that Influence as the surest Defence against any Invasion of his Right, and thereby render him a faithful and perhaps a useful Ally upon some future Emergency." On a Motion of the Governor General, the Resident was authorized to offer the Company's Guarantee for the Observance of the Treaty; the Governor General at the same Time observing, that the many Letters which he had received from Fyzoola Khan, at various Times, proved the Necessity of such an Intervention.

" On the 4th May following the Resident acquainted the Board, that Fyzoola Khan appeared in no Respect to have violated the Treaty; transmitting at the same Time a new Treaty under the Guarantee of the Company.

" We find, that Fyzoola Khan declared to the Person who negotiated this Matter with him on the Part of the Company, " That without the Guarantee of the Company, he could not look upon himself secure in his present Possessions; that the Company were the only Power in which he had Confidence, and which he could look up to for Protection." There never was perhaps a Treaty concluded with more Solemnity. According to the Report of Mr. Daniel Barwell, entered on your Consultations the 21st May 1781, it was signed in the Presence of the greater Part of his Subjects, in order to establish a firm Conviction in their Minds, " That it was an Act fully authorized by the English Government, which was now become bound to exact with Impartiality a strict Observance of each Article of the Treaty." This Business was finally settled, by the Governor General being desired by the Board to write to Fyzoola Khan, confirming the Obligation of the Company as Guarantees, and by your Acceptance of a Lack of Rupees, on Behalf of the Company, as an Acknowledgment from Fyzoola Khan.

In

" In November 1780, upon receiving Information that the Seiks and Goodies were committing Depredations in Rohilkund, we find that the Board agreed to apply to the Vizier, to require from Fyzoola Khan his Quota of Troops: In consequence of which, the Governor General wrote for 5,000 Horse.—But judge of our Surprize to find by the Treaty, that whenever the Vizier declared War, Fyzoola Khan was to join with only 2 or 3,000 Men, unless the Vizier had marched in Person! Where then was the Justice of this Demand? Fyzoola Khan replied, as appears by your Consultations 15th February 1781, that he would send 2,000 Horse, which were all the Cavalry in his Service; that the 3,000 Foot kept up by him were for the Management of the Concerns of his Jaghire, and that without them the Collections could not be made.

" We cannot here avoid remarking, that at the very Time of your making this improper Demand, 500 of Fyzoola Khan's Troops had actually joined our Forces; though he was under no Obligation to furnish the Company with a single Man, but had granted this Supply, merely to shew his Attachment to the English.

" The foregoing Answer from Fyzoola Khan, was immediately followed by a Minute of the Governor General, declaring, That he had evaded the Treaty; in consequence of which, it was instantly resolved to send a Deputation, to insist upon its being complied with, and to demand the immediate Delivery, not of 5,000, but of 3,000 Horse. To make so hasty and peremptory a Demand for Three thousand Horse, after you had been positively assured that he had but 2,000 in his Service, carries with it the Appearance of a Determination to create a Pretext for depriving him of his Jaghire entirely, or to leave him at the Mercy of the Nabob; and all the subsequent Proceedings seem to confirm us in this Idea.

" Notwithstanding it is stated, on Consultation 4th June 1781, that a flat Refusal was the verbal Answer to this Deputation with respect to 3,000 Horse, yet we find at the Conference, Fyzoola Khan willing to agree, " That in Compliance with the Treaty, *which specified no definitive Number of Cavalry*, he would furnish 2,000 Horse and 1,000 Foot; that he would give them One Year's Pay in Advance, and furnish further Funds during the War." On the very Day you received an Account of the Result of this Deputation, 4th June 1781, a Letter is read at your Board from the Vizier, proposing to resume the Grant, " and leave the Nabob Fyzoola Khan to join his other faithless Brethren that were sent across the Ganges," and in lieu thereof, to pay him the Amount stipulated by Treaty, after deducting the Pay of 5,000 Troops;—and shortly after, the Governor General proceeded up the Country.

" We do not find any further Mention of this Business, until we read the following Article of the new Treaty with the Nabob of Oude, which was executed on the 19th September 1781; viz. 3dly, " That as Fyzoola Khan has, by his Breach of Treaty, forfeited the Protection of the English Government, and causes, by his Continuance in his present independent State, great Alarm and Detriment to the Nabob, he be permitted, when Time shall suit, to resume his Lands, and pay him in Money, through the Resident, the Amount stipulated by Treaty, after deducting the Amount and Charges of the Troops he stands engaged to furnish by Treaty; which Amount shall be passed to the Account of the Company, during the Continuance of the present War."

" The foregoing Article is expressly said to be founded on a Breach of the Treaty by Fyzoola Khan; and yet, in the Observation which the Governor General has made upon this Article, he acknowledges that the Conduct of Fyzoola Khan was not an absolute Breach of Treaty, though evasive and uncandid. We confess ourselves of Opinion, that his Conduct was neither evasive nor uncandid. But admitting the Fact, Does it furnish a justifiable Ground for breaking through a most solemn Engagement? Was it a Time to seize slight Pretences for evading a Treaty, when the most alarming Confederacies were formed against the Company?

" We fear, that by observing such a Conduct as this, few of the Country Powers of India will in future adopt the Sentiments of Fyzoola Khan, " in considering the Company as the only Power in which they have Confidence, and to which they can look up for Protection."

" We do not only arraign the Justice of the Measure, but its Policy also:—And if we wanted an Argument upon this Occasion, the Governor General, in his Observation upon this Article of the Treaty, has furnished us with an unanswerable one: " I am of Opinion," says he, " that neither the Vizier's nor the Company's Interest would be promoted by depriving Fyzoola Khan of his Independency, and I have therefore reserved the Execution of this Agreement to an indefinite Term; and our Government may always interfere to prevent any ill Effects from it." We have thus agreed to commit an Act of Injustice, by which neither the Vizier's nor the Company's Interest will be promoted; and yet, if we do not suffer this Injustice to take place, we shall be guilty of a Breach of Treaty with the Vizier.—It is not by such a Policy as this that we can ever hope to break the Confederacies, and regain the Confidence of the several Powers of India.

" In our Letter of the 12th of July last, we expressed our Apprehensions for the Event of the Deputation sent to Fyzoola Khan; and we are sorry to find that those Apprehensions were too well founded. Fyzoola Khan had Reason to expect other Treatment at the Hands of the Governor General; for did he not, at the breaking out of the War with France, to shew his Attachment to the Company, make a voluntary Offer to maintain 2,000 Cavalry for our Service? The Resident at the Vizier's Court writes, under the 5th December 1778, that he found such a Promptness in Fyzoola Khan to render the Company any Assistance within the Bounds of his Finances and Ability, as even surpassed his own Expectations: And did you not resolve, in Consultations 28th of the same Month, " That the Thanks of your Board be returned to him, for this Mark of his faithful

“ faithful Attachment to the Company ?” In the Governor General’s Letter to Fyzoola Khan upon this Occasion, are the following Words ; “ In my own Name and that of the Board, I return you our warmest Thanks for this Instance of your faithful Attachment to the Company.” And you yourselves have acquainted us, in your Secret Letter of the 1st of February 1779, that on requesting the Aid of Part of the offered Assistance, “ he, without Hesitation or Delay, sent 500 Men to co-operate with our Forces.”

“ Thus, in March 1778 you pledge the Company’s Faith for the Performance of the Treaty between Fyzoola Khan and the Vizier—In December following, the Thanks of your Board are given to him for his Attachment to the Company, in sending Troops to their Assistance on the breaking out of the War with France—In November 1780, you make an unwarrantable Demand upon him, which, it not being in his Power to comply with, furnishes a Pretext for depriving him of his Lands ; and in September 1781, a Treaty is finally concluded, by which his Territory is wrested from him, and given to the Vizier.

“ Fyzoola Khan’s Merits with the Company on the one Hand, and the Governor General’s Treatment of him on the other, must be known to all the surrounding Powers ; and if such singular Marks of Attention to the Company’s Interest and Government are to be thus required, we have Reason to dread future Combinations against us, which may end in the utter Extirpation of the English from Hindostan. It is only by a strict Regard to Justice, Moderation, and good Faith, that we can hope to maintain our present Footing in India.

“ As we can no where discover that Fyzoola Khan has been guilty of a Breach of Treaty, and thereby forfeited the Protection of the Company ; and as the Governor General has informed us, that he has reserved the Execution of the Agreement contained in this Article to an indefinite Term, and that our Government may always interfere, to prevent any ill Effects from it ; and as Fyzoola Khan appears to have had great Merit with the Company, in the particular Instances above referred to, we direct that that Article be not carried into Execution, and that you obtain the Consent of the Vizier to Fyzoola Khan’s continuing in the Possession of his Jaghire unmolested.”

---

# A P P E N D I X.

---

## N<sup>o</sup> I.

Extract of Bengal Secret Consultations, of the 9th March 1778.

**G**OVERNOR GENERAL—I move, That the Board approve of the Deputation of Mr. Daniel Barwell; and that the Resident be authorized to offer the Company's Guarantee for the Observance of the Treaty subsisting between the Vizier and Fyzoolah Khan, provided it meets with the Vizier's Concurrence; but that if any Objection should be made to it on the Part of the Nabob, he advise us thereof, and wait our further Orders for the Conclusion of this Negotiation.

Mr. Francis—Mr. Barwell has an Appointment at Benares, and when he left Calcutta last, he assured me that he was going to that Place to remain there. I must desire to be informed by what Authority he left his Station and went to Lucknow, as it does not appear that he had the Orders or the Permission of the Board for that Purpose.

Governor General—I must beg Leave to answer this Question. Mr. Barwell required no other Authority to quit his Station but the Permission of his Principal, Mr. Thomas Graham.

Mr. Francis—I do not admit that Mr. Graham's Permission is any Authority for Mr. Barwell to quit his Station, contrary to the Appointment of the Board; but if it were, I desire to see at least that Mr. Graham gave him such Authority, and for what Reasons. If the Circumstance is mentioned in any Letter from Mr. Graham, it ought to be before the Board. I will not however take up any further Time in Enquiries which I am sure are useless. The Court of Directors will of course make their own Observations upon the Fact; it is one of the grossest that I have been Witness to, though I have seen many extraordinary Things since I sat in this Place. Mr. D. Barwell quits his Station, and goes to Lucknow, without Leave; Mr. Middleton immediately discovers that Fyzoolah Khan is carrying on some Designs prejudicial to the Interest of the Nabob, and that the Nabob gives great Reason for such Designs by his Treatment of his Subjects; at the same Time I believe that nothing is more notorious, than that the Nabob has no more Power in his Dominions than I have. To put a Stop to the Effects which the Jealousies on both Sides may produce, a Treaty must be made, the Guarantee of the Company must be given, and Mr. D. Barwell finds himself very opportunely at Lucknow, ready to execute the Commission. These Facts, I apprehend, speak for themselves. With respect to the Approbation proposed to be given to Mr. Middleton, I can by no Means consent to it; because, setting aside all other Considerations, Mr. Middleton had no Right to employ Mr. Barwell in this Manner, without the previous Consent of the Board.

Governor General—I shall forbear at this Time answering the Charges implied in the preceding Minute, against whomsoever they may be levelled. The Measure is a public one, the Objections are personal. The many Letters which I have received from Fyzoolah Khan, at various Times, will prove the Necessity of such an Intervention, and to these I shall refer. I would propose to insert Extracts of them in this Place, but I know not to what Length they might extend, as the Subject is of a very distant Origin, and has been frequently repeated.

Mr. Wheeler—If a Deputation be judged necessary, it is a Matter of the greatest Indifference to me, whether the Appointment falls to the Share of Mr. Barwell, or to any other Gentleman in the Service that shall appear equally qualified; but whether Mr. Barwell has quitted his Station without first obtaining Mr. Graham's Permission, or whether it rests with Mr. Graham to grant him that Permission, are Points necessary to establish for the Regularity of the Service. I should suppose, if any Gentleman cannot quit his Station at this Presidency without the Permission of the Governor,



## A P P E N D I X, N° 1, 2.

he cannot quit a more subordinate, without the Permission of his Chief; therefore, when this Point is cleared up, I shall give my further Opinion as to Mr. Barwell's intended Appointment.

Mr. Barwell—In a political Question, such as the present, I am sorry to see the Introduction of Personalities; the Argument must be weak that requires the Aid of Insinuation to support it. I shall not myself reply to Mr. Francis; the Public will judge how far the Appointment of Mr. D. Barwell is a Measure gross in itself, and extravagant beyond all extravagant Acts in the Recollection of Mr. Francis. I am very glad, for my Part, that Mr. D. Barwell is engaged in a Line of Service, where his Knowledge of the Language may be of Service to the Public. I agree in the Governor General's Motion.

Mr. Francis—Mr. Barwell attributes Words to me which I have not made use of. With respect to the Charge of mixing Personalities in a Consideration of a public Measure, I am not conscious of it, and on that Point submit to Judgment. It is not a personal Reflection, nor an Insinuation, to say, that Mr. D. Barwell has quitted his Station without Leave. If the Measure of forming a Treaty with Fyzoolah Khan had been regularly introduced at this Board, and resolved upon, perhaps I should have had as little Objection to employing that Gentleman as any other. My Objection is plainly this, that all the Steps preparatory to the intended Treaty, are taken, that the Person intended to conduct it, is sent up to Lucknow, and that he receives his Appointment there, without the previous Consent or even Knowledge of the Board.

Mr. Barwell—I should be sorry to pervert, by my Interpretation, the declared Object of Opposition to any particular Measure; and as it should seem, from the subsequent Explanation of Mr. Francis, that I am in some Degree mistaken, I will endeavour to correct the Idea I had formed of his Objections.

The Governor General's Proposition being resolved in the Affirmative, the following is an Extract of a Letter written to Mr. Middleton:

"We approve your having deputed Mr. Daniel Barwell to Fyzoolah Khan, for the Purposes represented in your Letter of the 25th; and we authorize you to grant the Company's Guarantee to the Treaty subsisting between the Nabob and him, provided it meets with the Nabob's Concurrence; but if any Objection should be made to it on his Part, you will immediately advise us, and wait for our Orders on this Subject before you proceed any further in that Negotiation."

## A P P E N D I X, N° 2.

Extract of Bengal Secret Consultations, the 4th May 1778.

**R**EAD the following Letters and Enclosure from the Resident at the Nabob's Court:

Honourable Sir, and Sirs,

I have been duly honoured with your Commands of the 9th March; and have the Pleasure to acquaint you, that after being fully assured by Mr. Barwell of Fyzoola Cawn's neither keeping up any considerable Force, holding improper Correspondence or Connections, or appearing in any Respect to have violated the Engagements he entered into in his Treaty with the late Nabob Sujah ul Dowlah; I communicated to the Vizier the Honourable Board's Permission to me, to guarantee, on the Part of the Honourable Company, the Treaty subsisting between him and Fyzoola Cawn, provided his Excellency should give his Concurrence to that Permission.

The Nabob having approved of the Purposes of Mr. Barwell's Mission, and being assured, from his Report, and other concurrent Circumstances, that Fyzoola Cawn's Conduct furnished no Grounds of Accusation by which he could be justified in an Infringement of the Rights confirmed to him by Treaty, readily, and without Hesitation, consented to a Renewal of the Treaty under Guarantee of the Honourable Company, only signifying his Expectations that some complimentary Present, conformable to constant Custom, and suitable to his Rank, should be made him by Fyzoola Cawn on the Delivery of the Khelaut.—As I could not entertain a Doubt, from Fyzoola Cawn's Anxiety for the Completion of this Business, under the Sanction of the Honourable Board, but that he would of his own Accord be ready to shew the Vizier such Marks of Gratitude and Respect as would manifest his due Consideration of the great Obligation conferred on him, I presumed to assure His Excellency he might certainly expect to receive on the Occasion an Acknowledgment not disparaging to his Rank and Dignity, nor betraying in Fyzoola Cawn a deficient Sense of the Benefits he derived from an Alliance with His Excellency.—From what I was able to discover in my Conversation with the Vizier, I have Reason to believe he looks not to any Sum which could be considered as a pecuniary Acquisition, but confines his Expectations merely to such complimentary

Nuzzers



## A P P E N D I X, N<sup>o</sup> 2:

Nuzzers as are usually offered in Token of Respect by a subordinate to a superior Power, on similar Occasions.—I have therefore taken upon me to desire Mr. Barwell to represent this Matter in its proper Light to Fyzoola Cawn; and I have no Doubt but that Chief's Concurrence in whatever may be reasonable and proper; will close the Negotiation in a Manner entirely satisfactory to the Vizier.

I have the Honour to enclose for your Perusal, Copies of the Vizier's Treaty with Fyzoola Cawn, and of the Obligation which I have entered into, in consequence of the Authority you were pleased to delegate to me, on the Part of the Honourable Company; and for your more particular Information I must also beg Leave to trouble you with a complete Transcript of my Correspondence with Mr. Barwell, on the Subject of his Mission, commencing with my original Instructions; which I hope will meet with the Honourable Board's Approbation.

Extract of Correspondence between the Resident at the Vizier's Court and Mr. Daniel Barwell,  
agreeable to their respective Dates.

To Nath<sup>l</sup> Middleton, Esq; Resident at the Vizier's Court.

Sir,

I arrived at Rampoor, the Capital of the Nabob Fyzoola Cawn, this Morning. Pursuant to your Instructions, I shall make all possible Haste to enquire, if the Reports circulated to the Prejudice of Fyzoola Cawn, have any Foundation in Truth, or have been merely raised by his Enemies, to create Animosities between the Government of the Vizier and his Government. To-night I shall do myself the Pleasure of waiting on him, when I shall deliver to him your Letter of Introduction on the Part of our Government, to explain to him the Nature of my Mission; and also unfold to him in the fullest Manner, the Particulars of the Reports that accuse him of having broken every Article of Consequence of the Treaty granted him by the Indulgence of the late Vizier, Sujah ul Dowlah, that he may have a fair Opportunity allowed him of acquitting himself to the Satisfaction of our Ally, or be reduced to the Necessity of avowing his Intentions, whatever they may be.

As soon as a short Residence at this Place has enabled me to gather Information on the other Particulars recommended to my Enquiry, I will instantly communicate to you all that may appear to me worthy of the Notice of the Vizier, or our Government.

I am, &c.

Rampoor,  
the 18th March 1778.

(Signed)

Dan<sup>l</sup> Barwell.

To Mr. Daniel Barwell.

Sir,

I have been duly favoured with your Letter, under Date the 18th Instant; and am glad to hear of your safe Arrival at Rampoor, and that you are proceeding without Delay to enter into the Business of your Mission. In the Conduct of this Negotiation, I am confident you will exert your best Efforts to ascertain, from every likely and creditable Information, the Truth or Falschood of the Reports which have prevailed, as to Fyzoola Cawn's keeping up an improper Force, or entertaining Ideas or Designs unfriendly to the Vizier's Government; and I am happy in the Conviction, that your Abilities and Attention will equally enable you satisfactorily to investigate these Points, notwithstanding the Artifices which Fyzoola Cawn, on the Supposition of the Reports being in any Respect founded on Truth, will no doubt make use of, to conceal and keep at a Distance from you, Circumstances which cannot but injure him with the English Government, and entirely defeat his Wish of their becoming Guarantees to a Treaty between him and the Vizier.—I hope soon to hear from you, the Result of your Interview with Fyzoola Cawn; and am, &c.

Lucknow,  
the 24th March 1778.

(Signed)

Nath<sup>l</sup> Middleton.

To Mr. Daniel Barwell.

Sir,

I have been duly favoured with your Letter of the 26th ultimo; and am happy to find the Result of your Explanation with the Nabob Fyzoola Cawn has proved so satisfactory. I own, the Arguments he alledged, to prove to you that he must have been grossly blind to his own Interests to have adopted a Mode of Conduct in any Degree similar to that his Enemies have accused him of, always occurred to me as so palpable, and of such Force, as to render the Truth of the Reports, to my Judgment, in the highest Degree improbable. The particular Character and Circumstances of Fyzoola Cawn also, ever led me to consider him as the most unlikely Man in Hindostan to entertain Views precarious, to say the best of them, in their Consequences, at the Expence of Security and Prosperity on the most easy and obvious Terms. His Character is that of a Man of Sense, but extreme Pusillanimity,

nimity, a good Farmer, fond of Wealth, but not possessed of the Passion of Ambition, had he even Spirit or Courage to support it. As to his particular Circumstances with respect to the other Rohilla Chiefs, it is certain that the Extent of Country he holds, is a mere Consequence of the late Vizier's Indulgence to him, and by far greater than the Rohilla Chiefs consider him as entitled to hold, supposing them to be restored to their respective former Possessions: It is evident therefore, that, on the Supposition they could recover such Possessions, they would look with the most envious Eye to Fyzoola Cawn's Dominions, and wish to strip him of them; which, as he is known to be no Soldier, they would easily effect. In every Light, therefore, in which I can view this Matter, I am led to concur in the Conviction you entertain, that the Accusations against Fyzoola Cawn, as to Designs hostile to the Vizier's Dominions, are groundless; and as he is avaricious, I cannot conceive he would, without such Intentions, keep a uselessly expensive large Body of Troops. The only Grounds on which I ever entertained any Idea of Fyzoola Cawn's keeping up an improper Force, or forming Correspondences and Connections with the avowed Enemies of this Government, were the Suspicions and Doubts which I was convinced he entertained of the Vizier's Observance of the Treaty subsisting between him and the late Nabob Shuja-ul-Dowla. He had, I am sorry to say, had too many Opportunities of seeing that his Excellency was not scrupulous in adhering to those Ties and Obligations which should, and will ever bind the ingenuous Part of Mankind, when he could, by violating them, obtain any lucrative Acquisition; and as the improved State of Fyzoola Cawn's Country, from his own Prudence and Attention, had increased the Revenue thereof beyond the Amount specified in Shuja-ul-Dowla's Grant, he might with some Reason suspect that the Vizier would avail himself of that plausible, however really unjust, Pretext to strip him of at least a Part of his Country, if not distress him, by robbing him of the greatest Part of the Wealth he may have acquired, under the Pretence of claiming Arrears of past Years Improvements. With these Apprehensions, and under a total Uncertainty how far, and whether the Company would at all interfere, I did think it possible he might have maintained a Force, and kept up a kind of Correspondence, though not formed any real Alliance, with the Enemies of this Government, as defensive Preparations in case of his Rights being invaded by the Vizier.

His Readiness, however, in calling his Troops before you; and the Assurance you entertain, that such as appeared were nearly all in his Service, as well as that the Reports of his holding improper Correspondences were utterly false, seem to evince, that his Hopes of the Company's using their Influence in supporting his acknowledged Rights, had counterbalanced his Apprehensions of the Vizier, and led him to apply for the Interposition of that Influence previous to his taking any other Steps for his own Security.

By this Mode of Conduct he has certainly shewn his good Sense and sound Policy; as, by an opposite one, which must have been in Violation of the Treaty with the late Vizier, he would have rendered it equally unjust and impolitic in the Company to have interfered, either as Principals or Guarantees, in any new Treaty with the present Nabob.

I have the Pleasure to inform you, that in consequence of my Application to the Honourable Board, they have been pleased to give me their Permission to grant the Company's Guarantee to the Treaty subsisting between the Vizier and Fyzoola Cawn, provided it meets with his Excellency's Concurrence; I shall therefore, without Delay, proceed to induce him, by every Argument in my Power, to consent to a Renewal of the Treaty entered into by his Father, under the Guarantee of the Honourable Company; and in case of his Concurrence, which I hope to obtain, the Treaty and Guarantee shall be forwarded to you with the utmost Expedition.

Lucknow,  
the 3d April 1778.

I am, &c.  
(Signed) Nathl Middleton:

To Nathaniel Middleton, Esquire, Resident at the Vizier's Court.

Sir,

The inclosed Letter I received from the Nabob Fyzoola Cawn this Morning.—Though its Purport is sufficiently explained in the Letter I did myself the Honour of addressing to you Yesterday; yet, that you may be acquainted, under his own Hand, with his Motives for so earnestly soliciting the Renewal of his Treaty by the Vizier, with the Guarantee of the Honourable Company, I send it you for your Information, that, if necessary, it may be transmitted by you to the Honourable Board. In the latter Part of the Nabob's Letter, you will observe, he particularly mentions the Form in which he requests the Guarantee, if granted, may be expressed.—Though the Signature of the Honourable Company, if permitted to be affixed to his Treaty, infers all he desires, yet, without an Explanation of this Kind in Writing, it will be impossible to raze from his Mind those Doubts which have been occasioned by his wrongfully imagining that Colonel Champion formerly witnessed his Treaty, not as a private Person, but in the Name of the Honourable Company. Should, therefore, the Nabob prove successful in his Application, made through you, for the Guarantee of the Honourable Company, you will judge of the Propriety of rendering it as satisfactory and full as is requisite, to convince him that he will meet with Protection from the Honourable Company, as long as a strict Adherence on his Part to his Treaty with the Vizier shall entitle him to it.

Rampoor,  
March 27th 1778.

I am, &c.  
(Signed) Danl Barwell.

# A P P E N D I X, N<sup>o</sup> 2:

To Mr. Daniel Barwell:

Sir,

I did myself the Pleasure to address you on the 3d Instant; since which, I have the Satisfaction to inform you, that I have obtained the Vizier's Consent to a Renewal of the Treaty entered into by his Father with Fyzoola Cawn, and to the Company being Guarantee thereto. The Treaty and Guarantee are inclosed herewith, and I trust will prove entirely satisfactory to the Nabob Fyzoola Cawn. The Guarantee is as full as he appears himself to have wished; and the Treaty referring to, and avowing, that Guarantee on the Part of the English Company, must, I think, erase from Fyzoola Cawn's Mind, every Suspicion of this being an Act unavowed, or not fully sanctioned by the English Government.—The only Difference I know of any Kind between the Terms of the inclosed Guarantee, and those specified by Fyzoola Cawn himself, is the Omission of the Words, "Heirs and Successors."—It is not customary in this Country for a Prince to bind his Heirs and Successors: Nothing of this Kind was expressed or implied in Shuja-ul-Dowla's Treaty; nor could I properly urge the present Nabob to the inserting them in the new one, and of course, not being included therein, they could not be comprehended in the Guarantee.—I think this can be no reasonable Foundation of Discontent or Suspicion to Fyzoola Cawn, as the Readiness with which the Company have interfered on the present Occasion, can leave no Doubt that they would be as ready, in case of the Nabob's Demise, and his Conduct should furnish no Cause for their withholding their Support, to use their Influence in procuring a Treaty of the same Nature from whoever might be the Successor to this Government.—I must observe to you, that his Excellency, when he agreed to the Terms of the inclosed Treaty, promised, that he gave his Consent thereto, taking it for granted, that on Fyzoola Cawn's receiving the Treaty and Khelaut, he was to make him a Return of the complimentary Presents usually offered on such Occasions, and of such an Amount, as should be a Manifestation of Fyzoola Cawn's due Sense of his Friendship, and suitable to his Excellency's Rank to receive. As such Presents are the never-failing Custom of this Country on similar Occasions, and the Omission of them would, in the present Instance, be in the Eye of the World highly injurious to the Dignity of the Vizier's Government, I made myself in some Measure responsible for their being obtained; and I must therefore request, that you will not neglect to represent this Matter to Fyzoola Cawn in such a Manner, that he may fulfil the Vizier's Expectations, and do Credit to the Part the Honourable Board have been pleased to take in a Matter so nearly and highly concerning his permanent Interest.

From what I could learn from the Vizier's Conversation, he looks not to a Sum which could be considered as a pecuniary Gratification, but merely to such complimentary Nuzzers as are usually made by an inferior to a superior Power, in Token of Respect or Gratitude upon any particular Favours or Benefits being conferred.

I scarce need add, that previous to the Delivery of the inclosed Treaty and Guarantee, you will obtain from Fyzoola Cawn, a formal Obligation, solely and publicly ratified by Fyzoola Cawn, and attested by yourself and One or Two of the most respectable Men about Fyzoola Cawn's Person, to observe inviolable on his Part, the Conditions stipulated as the Foundation of the Vizier's Treaty with him.

Lucknow,  
the 8th April 1778.

I am, &c.  
(Signed) Nathl Middleton.

A true Copy.  
(Signed) Nathl Middleton,  
Resident at the Vizier's Court.

Read another Letter and Enclosure from the Resident at the Nabob's Court.

Honourable Sir, and Sirs,

I am sorry to acquaint the Honourable Board, that some unexpected Obstacles have occurred, to the immediate Conclusion of Mr. Barwell's Negotiations with Fyzoola Cawn, originating from Doubts and Suspicions which that Chief pretends to entertain of the Validity of the Powers by which I have acted in this Business.—As I could not but consider this Proceeding as an Insult to the Station I have the Honour to fill, and at the same Time tending to establish a Precedent which would, in its future Operation, be entirely destructive of that decisive Line of Conduct the Honourable Board may on many Occasions expect from their Representatives at this Court, I have thought it necessary, as well to manifest the Sense I feel of the Indignity offered my public Character, as in support of the Authority which the Honourable Board have been pleased to annex to it, to insist upon Fyzoola Cawn's Acceptance of the Guarantee under the Sanction it has been offered to him; or upon Mr. Barwell's putting a Stop to all further Negotiation with him, and immediately withdrawing from his Court.

For your more particular Information, I beg Leave to enclose Copies of Mr. Barwell's Letter, covering Fyzoola Cawn's Address to him, and of mine to that Gentleman and Fyzoola, in reply.

SEL. COM. REP. VIII.

I shall

## A P P E N D I X, N<sup>o</sup> 2.

I shall duly inform the Honourable Board of what may be the Event of these Measures, and in the mean Time shall be happy to find, that my Conduct has met with their Approbation.

Lucknow,  
the 20th April 1778.

I have, &c.  
(Signed) Nathl Middleton,  
Resident at the Vizier's Court.

To Nathaniel Middleton, Esq; Resident at the Vizier's Court.

Sir,

I have duly received your Letter of the 8th Instant, enclosing the Treaty between the late Nabob Shuja ul Dowlah and Fyzoola Cawn, renewed by the present Nabob Asaph ul Dowlah, with the separate Guarantee of the Honourable Company. Immediately upon my Receipt of the Treaty and Guarantee, I transmitted them to Fyzoola Cawn for his Inspection, to know if they were in every Respect satisfactory, and such as he solicited. With the Treaty renewed by the Vizier, he expressed himself highly satisfied; but declared, that the Guarantee which he had chiefly requested, and on which all his Dependence was placed, as it did not bear the Seal of the Honourable Company, it was not what he had from the Beginning so earnestly desired.—Though I have used my utmost Endeavours to create a Conviction in his Mind, of the Authority that had been delegated to you by the Honourable Board, to grant the Guarantee of the Company, and that your Seal was equally binding with that of the Company in the present Case, as you acted in their Name; yet all my Efforts to produce this Belief have been of no Avail.—Still entertaining Doubts and Suspicions of your actually possessing such a Power, he positively asserts, that no Assurances on your or my Part, will be able to remove them; and that nothing less than receiving the Guarantee with the Seal of the Honourable Company affixed to it, will convince him, that in Case of an Infraction of his Treaty on the Part of the Vizier, he will be befriended by our Government.

After finding all Arguments I offered to his Consideration fruitless, and that they rather served to increase than dispel his Doubts, I desisted from pursuing the Subject any further, and ended by telling him, that as the Guarantee had been granted at his most earnest and repeated Solicitations, to protect him from all Encroachments that might be made on his Rights, it was meant he should be fully convinced of its Authority, that I did not therefore hesitate to assure him that he need be under no Apprehensions of its not being granted in the Manner he desired, with the actual Seal of the Company affixed to it—not your Seal on their Part.—That the only Reason for your signing it on the Part of the Company, was to prevent unnecessary Delays; but that since his Fears were so strong as to render him distrustful of your having such a Power vested in you, it was now become requisite for your Honour, as well as that of the Company, to evince that you acted by the Orders and Directions of the Honourable Board, by having the Guarantee ratified by them.

I enclose you a Letter I have received from Fyzoola Cawn on the Subject. By it you will see the Suspicions that have found Entrance into his Mind, originated from the Idea he entertains, that the Signature of any Person, in whatever public Capacity he at present appears, will not be valid and of Effect as soon as some other shall fill his Station; and that this Conclusion, however absurd, has been occasioned by his former Treaty being witnessed by Colonel Champion, whose Signature he declared he regarded at that Time as given under the Company's Sanction, and which making them privy to the Transaction, rendered them the Arbitrators between the Vizier and himself in case of Disputes.

You will be pleased to inform the Honourable Board without Delay, of the Doubts and Suspicions entertained by Fyzoola Cawn, and of this his particular Request, as also to transmit to them a Copy of the Guarantee, that if they think proper it may receive the Seal of the Company and their Signature.—Till I am informed of the Will of the Honourable Board, I shall not deliver to Fyzoola Cawn the Treaty renewed by the Vizier, as it partly includes the Guarantee.—I request you will be as expeditious as possible in obtaining me a Reply from the Honourable Board, that I may be able to remove all Suspence from the Mind of Fyzoola Cawn; and having compleated this Business, return to my Station.

Rampoor,  
April 14th, 1778.

I am, &c.  
(Signed) Danl Barwell.

A true Copy.  
(Signed) Nathl Middleton,  
Resd at the Vizier's Court.

Governor General—I recommend, that we approve of Mr. Middleton's Proceedings in the Negotiation with Fyzoola Cawn.—As I perceive that no positive Order has been sent to Mr. Middleton, to transport the Treasure designed for the Service of Colonel Leslie's Detachment to the Place of its Rendezvous, although implied in the Order already written upon that Subject, I move, that he be now directed to send it to Colonel Leslie.

Mr. Wheeler agrees.

## A P P E N D I X, N<sup>o</sup> 2.

Mr. Francis—I disapprove of the whole Transaction with Fyzoola Cawn. The Reports to his Disadvantage, which Mr. Daniel Barwell was sent to investigate, appeared to Mr. Middleton himself to be *in the highest Degree improbable*; the Enquiry therefore seems to have been superfluous. I believe the Guarantee tendered to Fyzoola Cawn to be equally unnecessary, at least I see no Advantage the Company gains by it.—I agree to the Second Motion.

Mr. Barwell—I approve of the Negotiation entered into by Mr. Middleton with Fyzoola Cawn, and all the Proceedings in consequence. This Government was in Fact engaged by Colonel Champion's Signature being to the Treaty made with that Chief. I think Fyzoola Cawn has been used rather with Harshness by Mr. Middleton, in his refusing to tell him that he should be satisfied of the Powers that were vested in him by the Board. In the present State of the Negotiation, I do not see that there can be the least Occasion for Mr. Daniel Barwell's being detained from his Station; any Thing further that may be necessary, must now rest totally with the Resident at Oude; and I therefore move, That Mr. Daniel Barwell be immediately ordered back to his Station at Benares.—I agree to the Order to Mr. Middleton to send the Treasure to Colonel Leslie.

Agreed to both the Governor General's Motions.

Mr. Wheler agrees to Mr. Barwell's Motion.

Mr. Francis agrees.

Governor General—I cannot object to the Motion made by Mr. Barwell, still hoping that Mr. D. Barwell may have accomplished his Commission before our Order for his Recall can take effect.

Agreed to Mr. Barwell's Motion.

Resolved, That the following Lett<sup>r</sup> be writt<sup>n</sup> to Mr. Middleton.

Sir,

We have received your Letters of the 20th March, 4th, 10th, and 20th April; and think it proper to express our Approbation of your Proceedings in the Negotiation with the Nabob Fyzoola Cawn: But as we do not conceive there can be any further Occasion for Mr. D. Barwell's Stay with that Chief, we desire you will signify to him our Orders for his immediate Return to his Station at Benares.

We desire that you will immediately dispatch the Ten Lacks of Treasure, which you have been ordered to reserve for the Use of the Detachment under Colonel Leslie, to him, with a proper Guard to escort it.

We are, &c.

Governor General—I move, That the last Letter received from the Nabob Mobaruck ul Dowlah, may be entered in this Place, and that the Board do agree to comply with the Requisitions contained therein; but as it is too late to consider this Question To-day, I desire that it may remain till the next Meeting of the Board in this Department, and that in the mean Time the Nabob's Letter be sent round to the Members of the Board.

Extract of Bengal Secret Consultations, the 21st May 1778.

Read the following Letter from Mr. Middleton.

Honourable Sir, and Sirs,

I had the Honour to address you under Date the 20th Instant, relative to some Occurrences which then appeared to obstruct the immediate Conclusion of Mr. Barwell's Negotiations with Fyzoola Cawn; since that Period, however, I have received Two other Letters from Mr. Barwell, acquainting me of his having prevailed upon Fyzoola Cawn, under the Promise of procuring for him the formal Ratification of the Honourable Board, to receive the Treaty and Guarantee in the Manner they have been already transmitted to him; of his having accordingly delivered them in due Form, and received from Fyzoola Cawn, in Exchange, a Counterpart of the Vizier's Treaty, to be presented to his Excellency; also of the Rohilla Chief's having, upon the Receipt of the Treaty, delivered him a Nuzzer of One Lack of Rupees, with Horses, Elephants, &c. for the Vizier; and of his having offered the same Sum, in Token of his Gratitude and Respect, to the Honourable Company. The latter, however, Mr. Barwell thought proper to decline the immediate Acceptance of, having no Authority from me for that Purpose; but, as the absolute Refusal of it seemed to afford Fyzoola Cawn Matter of Concern, he consented to receive a conditional Obligation, subject to the Approbation of the Board, for that Amount, Copy whereof I do myself the Pleasure to enclose; requesting to be favoured with your particular Instructions for my Guidance in this Matter, as I consider it a Point of too delicate a Nature for me to decide upon.

It appearing from Mr. Barwell's Letters (Copies of which, for the more particular Information of the Honourable Board, I have thought it necessary to enclose) that he left Rampore before the Arrival of my Letter to him of the 20th Instant, no new Consequences could of course be produced by it; it must therefore now rest with them to determine how far it may be proper to comply



## A P P E N D I X, N° 2.

ply with the Requisition so strenuously urged by Fyzoola Cawn, which becomes a Matter of more Moment, since Mr. Barwell has been induced to pledge his Faith for its being granted.

After expressing my entire Approbation of Mr. Barwell's Conduct in his Negotiations with Fyzoola Cawn, I must submit to the Honourable Board the Propriety of his Claim to such an Allowance as may reimburse him the extra Charges he has necessarily incurred in the Execution of his Commission.

Lucknow,  
30th April 1778.

I have, &c.  
(Signed) N. Middleton  
Res<sup>t</sup> at the Vizier's Court.

To Nathaniel Middleton, Esquire, &c. &c.

Sir,

I did myself the Pleasure of addressing you the 14th Instant, to inform you of the Doubts and Suspicions Fyzoola Cawn entertained, in regard to the Authenticity of the Guarantee granted by you on the Part of the Honourable Company, and witnessed by Mr. Chandler and myself—since this, I have had frequent Communication with him and his Ministers. By repeatedly exposing to them the Impossibility of its being an Act unauthorized by the Honourable Board, and pointing out to them, in the most accurate Manner I was able, the wide Difference between the present Guarantee and the former Treaty merely witnessed by Colonel Champion, I have at length removed all Doubts and Suspicions from the Mind of Fyzoola Cawn, and fully convinced him, that while he preserves every Article of his Treaty inviolate on his Part, he will meet with Protection from the Honourable Company, in case any unjust Attacks should at any Time be made upon his Rights by the Vizier.—But notwithstanding Fyzoola Cawn professes himself perfectly satisfied, and thoroughly convinced of the Favour conferred on him by the Honourable Board by their ready Compliance with his earnest Solicitations, and of the Guarantee's being granted by their express Directions, yet he informs me, his Subjects, who attend to mere External, will not believe his Solicitation for the Guarantee has met with Success, unless they see the actual Seal of the Honourable Company affixed to it; that therefore he requests you will make Application for that Purpose to the Honourable Board, that when the Guarantee has been ratified by them, he may receive it, and return that which at present bears your Seal on their Part. As the Propriety of this Request spoke for itself, I did not scruple to give him the most positive Assurances of its being complied with. I told him, the Intent of the Guarantee was to remove all Dread from his Mind, which the Reports which had been circulated so injurious to his Character and good Faith, might have occasioned, and that therefore he might rely on the Guarantee's being granted him in such Manner as was most satisfactory to himself, and most conducive to the Quiet and Welfare of his Country. Confiding in these Assurances, and convinced, on mature Deliberation, of the Authenticity of the Guarantee, he has requested I will publicly present him with it, and the Treaty renewed by the Vizier, that his Subjects may no longer remain in Suspence as to his Continuance in his Dominions.—Immediately I receive the Khelaut with which I am to invest him on the Part of the Vizier, I will deliver to him the Treaty and Guarantee in the most public Manner, so as, if possible, to create a full Belief in the Breast of all his Subjects and Adherents, that the Company will protect him as long as he strictly adheres to the Letter of his Treaty, and that the Seal of the Honourable Company is mere Matter of Form in the present Case, as yours on their Part is equally binding. I shall be extremely careful in acting in such a Manner as to induce Fyzoola Cawn to shew a Sense of the Obligation he has received from his Excellency. After I have compleated this, as no further Business will delay me here, I shall return with all Haste to my Station, unless I receive your Directions to the contrary.

Rampoor,  
17th April 1778.

I am, &c.  
(Signed) D. Barwell.

A true Copy.  
(Signed) Nath<sup>l</sup> Middleton.  
Res<sup>t</sup> at the Vizier's Court.

To Nathaniel Middleton, &c.

Sir,

This Morning I presented Fyzoola Cawn with the Treaty renewed by the Vizier, under the Honourable Company's Guarantee, together with the separate Guarantee of the Honourable Company, preserving all the Ceremony on the Occasion necessary to establish firm Conviction in the Minds of all his Subjects, of its being an Act fully authorized by the English Government, which was now become bound to exact with Impartiality a strict Observance of each Article of the Treaty, both on the Vizier's and on his Part. I explained to Fyzoola Cawn the Nature of a Treaty of Guarantee in the fullest Manner, that, should his Fears of the Vizier ever be justified, he might be led to make his Appeal to the Honourable Company, rather than to his own Strength; for that they would ever guard his Rights from Infringement or Violation, so long as his Duty and Allegiance to the Vizier remained unimpeached.

When Fyzoola Cawn had received from me the Treaty on the Part of the Vizier, and the Guarante

## A P P E N D I X, N<sup>o</sup> 2.

on the Part of the Honourable Company, he presented me with a Nuzzer of Two Elephants and Horses, and a Lack of Rupees, as if to the Vizier. Not being authorized by you to accept any pecuniary Consideration, I at first refused the Lack; but upon Fyzoola Cawn's urging to me, that upon such Occasions it was the invariable Custom of Hindostan, and that it must on the present be expected, as it had been formerly the Case, and that my Refusal of it would carry an Appearance Footing, I judged the Acceptance of it both necessary and proper; but the Reason that more especially induced me to it was, that the Nuzzer of the Elephants and Horses would not have been becoming the Dignity of his Excellency to accept, without this Addition. By the Desire of Fyzoola Cawn, I shall bring his Present with me, in the safest and most convenient Manner I am able, that you may deliver it in his Name to the Vizier, as a Pledge of his Duty and Allegiance.

After this Fyzoola Cawn, in the Presence of the greatest Part of his Subjects, who were assembled, expressed the highest Sense of the Obligation conferred on him by the Honourable Board, by their ready Attention to his Solicitation for the Guarantee of the Honourable Company; which, he said, by giving Permanency to his Treaty, had frustrated the malicious Aim of his Enemies, who, by raising false and injurious Reports, had endeavoured by these Means to bring about his Ruin: That now, secure in his Possessions, he should not suffer the Whispers and Insinuations of Malevolence to alarm him, but, relying entirely on the just and impartial Interference of the Honourable Company in all Disputes and Jealousies which might in future arise between him and the Vizier, he should most scrupulously adhere to the Letter of his Treaty, which would always entitle him to the Protection of the Honourable Company, in case unjust Attempts were at any Time made to oppress him: That his whole Study would now be to improve the Cultivation of his Country to the utmost, as he was certain of enjoying the Fruits of his own Industry and Labour without Molestation, and that for this Benefit he regarded himself as indebted to the Honourable Company. He then desired he might be permitted to make some Acknowledgments for the Obligation he received; and offered me, as a Testimony of his Gratitude, a Lack of Rupees for the Honourable Company, in the same Manner as he had just before done for the Vizier. I told him, that the Guarantee had been granted at his most earnest Request, with the free Consent of our Ally the Vizier, to disappoint the Malignity of those who, by circulating Reports prejudicial to his Character and good Faith, wanted to create Differences between the Vizier and himself, and not with a View or Expectation of the Honourable Company's reaping any pecuniary Advantage thereby; that I was not therefore empowered to accept of any Thing of the Nature, but that I would signify his Intentions to you on this Point, who would immediately acquaint the Honourable Board with them; and that in the mean While I would take an Obligation from him for the Amount, which would be returned the Instant the Honourable Board had intimated to you their Refusal or Acceptance of it. I inclose you the Obligation. You will be pleased to inform the Honourable Board of this Offer made by Fyzoola Cawn.

I herewith enclose you the Treaty given on the Part of Fyzoola Cawn, formally and publicly sealed by him, and attested by Two of the principal People of his Court, and myself.

Having now fulfilled the Investigation and Negotiation with which you encharged me, on the Part of the Vizier and Honourable Company, and not having received any further Directions from you that render my Stay at the Capital of Fyzoola Cawn necessary, I shall take my Departure from it Tomorrow or next Day.

When you address the Honourable Board, I must request, if my Conduct from the Beginning to the Conclusion of this Negotiation has been such as to gain your Approbation, you will signify as much to them, and at the same Time desire to be informed what Allowance they will be pleased to make me. The unavoidable Expence I have been put to in travelling, in Tents, and preserving that Consequence necessary to give Weight to my Mission, calculated upon the narrowest Scale, amounts from Ten to Twelve thousand Rupees. Whether, upon your Representation, the Honourable Board will be pleased fully to reimburse me for this Expence, incurred in the Execution of my public Commission, or not, I flatter myself my Conduct, through the Whole of it, will meet with their Approbation, and render me worthy their Attention.

I am, &c.

(Signed) Dan<sup>l</sup> Barwell,

A true Copy.

(Signed)

Nath<sup>l</sup> Middleton,

Resident at the Vizier's Court.

**Governor General**—I move, That in Reply to this Letter, the Board do express their Approbation of the Treaty, and of the Conduct of Mr. D. Barwell; that we authorize Mr. Middleton to accept the Offer made by Fyzoola Cawn, to the Company, of One Lack of Rupees; that a Letter be written to Fyzoola Cawn, from myself, confirming the Obligation of the Company as Guarantee to the Treaty formed between him and the Vizier, which will be equivalent in its Effect, though not in Form, to an Engagement sent him with the Company's Seal affixed to it; and that Mr. Daniel Barwell be directed to lay before the Board, through Mr. Middleton, an Account of his Expences.

**Mr. Wheeler**—I assent.

**Mr. Francis**—I adhere to the Opinion I have already expressed of this Transaction, but I have nothing to object to Mr. D. Barwell's Conduct in it. I think our accepting of the Lack of Rupees, as a Recompence for our Interposition, is beneath the Dignity of this Government, and will discredit



## A P P E N D I X, - N° 2, 3.

us in the Eyes of the Indian Powers. If the Measure was right, it became us to adopt it without such a Consideration. I agree to the proposed Letter to Fyzoola Cawn.

Mr. Barwell—I cannot regard the Compliment offered by Fyzoola Cawn in the Light in which Mr. Francis is pleased to view it. I do not think we can, with Propriety, decline benefitting the Company on the present Occasion. It is not beneath the Dignity of the Vizier of the Empire to receive a similar Compliment; and the Relation in which the Company stand to him, if the Offer of Fyzoola Cawn was refused by this Government, might afford Matter for Speculation. By the Customs of India, the Refusal might here be regarded as a Mark of Indisposition on our Government to Fyzoola Cawn, and in Europe it might be interpreted a Loss to the Company for the Benefit of some Individuals. I am therefore for accepting the Present on Behalf of the Public, and agree to the rest of the Governor General's Propositions.

Agreed to the Governor General's Propositions.

Extract of the Secret Letter from Bengal, dated 20th March 1778.

We formerly reported to you the Suspicions which were suggested to us by Mr. Middleton, as harboured by the Nabob, of disloyal Intentions to his Government in Fyzoola Cawn, a Rohilla Chief, whose Country was confirmed to him by a Treaty with the late Vizier. Some late Occurrences having impressed these Facts more strongly in the current Opinion, and Fyzoola Cawn, aware of the little Dependence to be placed on the Nabob's Justice, from the numerous Instances he had heard of his arbitrary and oppressive Conduct to other Jaghierdars, solicited Mr. Middleton's Intercession to obtain the Company's Guarantee to his Treaty. This Overture afforded Mr. Middleton a good Opportunity, as he thought, of discovering the Truth of the Reports circulated against that Chief, and therefore induced him to depute Mr. Daniel Octavus Barwell, who was on a Visit to him at Lucknow, to Fyzoola Cawn, to ascertain the Facts, and to inquire into his present Views in desiring our Guarantee. In the mean Time, Mr. Middleton has applied to us for Orders, and we have authorized him to comply with the Request of Fyzoola Cawn, if it shall be agreeable to the Nabob. We beg Leave to refer you to our Proceedings for the Minutes entered on this Occasion.

Extract of the Secret Letter from Bengal, dated 25th May 1778.

We have before informed you, that in Compliance with the particular Solicitations of the Nabob Fyzoola Cawn, we empowered the Resident at Oude to grant the Company's Guarantee to the Treaty subsisting between the Vizier and that Chief. The Vizier having readily consented to this Measure, and accordingly renewed the Treaty which had been concluded with his Father, the Guarantee of Mr. Middleton, on the Part of this Government, has been affixed to it. Mr. Daniel Octavus Barwell, who was deputed to Fyzoola Cawn by the Resident on this Service, as well as to make local Enquiries into the Truth of Reports which had prevailed to the Prejudice of the Fidelity of that Chief, has reported them to have been raised entirely without Foundation.

---

## A P P E N D I X, N° 3.

Extract of Bengal Secret Consultations, the 28th December 1778.

**R**ECEIVED the following Letters from Mr. Middleton:

Honourable Sir, and Sirs,

Upon the first Information I received of a Rupture with France, it occurred to me that a favourable Opportunity now presented itself to the Nabob Fyzoola Cawn, to testify the grateful Sense which he had so repeatedly declared he entertained of the Honourable Board's Indulgence to him in guaranteeing his Treaty with the Vizier; and having indirectly founded his Inclinations, I had the Satisfaction to find a Promptness in him to render the Company any Assistance within the Bounds of his Finances and Ability, even surpassing my own Expectations. I could not therefore, consistent with the Duty I owe you and my Honourable Employers, neglect what appeared to me so favourable an Occasion of extending the Influence of the Company, and in some Measure strengthening the Ties by which they hold their valuable Possessions in India. Knowing, or at least believing, that a respectable Corps of Cavalry has long been an Object of your Attention, as the only Addition wanting to compleat your Military Establishment in every Essential, I suggested to Fyzoola Cawn the Loan of Two thousand Horse, to serve the Company in such Manner as the Honourable Board might

## A P P E N D I X, N<sup>o</sup> 3.

might prescribe, during the Continuance of the present War with France. And it is with that Degree of Satisfaction which I shall ever feel in endeavouring to promote the Interests and Security of the Company, that I now acquaint you I have received from Fyzoola Cawn, a formal Offer of the Assistance I suggested to him, and that too without any apparent Reluctance, or the smallest Efforts on my Part, incompatible with the Dignity of the Honourable Company, to influence his Conduct. Indeed, he received my Proposition, through the Medium of his Vackeel at this Court, with an apparent Satisfaction, that convinced me he was not only pleased, but highly flattered with the Idea of so close an Union and Connection of Interests as this Measure must necessarily establish between him and the Company; and I am persuaded he will cheerfully accede to any Stipulations or Arrangements which the Board may be pleased to prescribe for the Regulation of this Corps, so as to make it effectually answer the Purpose it is meant to serve.

I do myself the Pleasure to enclose to the Honourable Board, a Copy of the Letter I received from Fyzoola Cawn; and have also, by this Dawk, forwarded one from him to the Governor General, on the same Subject: And I have only further to add, that what is now offered to the Consideration of the Board, is only the Outlines of a Measure, which it is left to them to bring to Perfection, by such Amendments or Alterations as to their Wisdom shall seem meet.

It will afford me particular Satisfaction to find that my Conduct in this Negotiation has met the Approbation of the Honourable Board; in which Hope I subscribe myself,

Lucknow,  
the 5th December 1778.

With the highest Respect, &c. &c. &c.  
(Signed) Nathaniel Middleton,  
Resident at the Vizier's Court.

Agreed, That the Offer of Fyzoola Cawn, to entertain a Body of Two thousand Cavalry for the Use of the Company, be accepted; and that he be requested to hold them in Readiness for any Service that may be required; and that the Thanks of the Board be returned to him for this Mark of his faithful Attachment to the Company.

The Governor General is accordingly requested to write to Fyzoola Cawn.







































954.05:GRE/R<sup>1</sup>



19677



